Captain Charles Swanston

‘Man of the World’ and Van Diemen’s Land Merchant Statesman

Eleanor Denise Robin, BA, Grad Cert App Sci (Ornithology)

School of Humanities

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Copyright statement

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12 March 2017

Declaration

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Abstract

For two decades in the development of Van Diemen's Land (Tasmania), Captain Charles Swanston (1789−1850) was one of the most influential men in Hobart Town. In the time-honoured tradition of the nineteenth century British Empire, he was the very model of a Merchant Statesman, strengthening the link between commercial enterprise and colonial good. Between 1829 and 1850 Swanston was managing director of the renowned Derwent Bank, Member of the Van Diemen's Land Legislative Council, an internationally-recognised entrepreneur and merchant, an instigator of the settlement of Melbourne and the Geelong region and a civic leader. His strategic skills, business acumen, far-sightedness and bold ambition contributed significantly to Van Diemen's Land's transition from an island prison to a free economy. Yet after the Derwent Bank's failure in September 1849 and his mysterious death at sea a year later, Swanston's name faded into the shadows of history.

By shining a penetrating light on the colourful life and times of Swanston, this study advances understanding of the role of mercantile ambition in the foundation and growth of the nineteenth century colonies of Tasmania and Victoria. It paints a vivid picture of mercantile networks, endeavours, political aspirations and disappointments. Based on an examination of the voluminous records of the Derwent Bank, family records and other primary sources, it examines Swanston's trajectory from his childhood in the Scottish Borders and service with the 12th and 24th Regiments of the Madras Native Infantry of the Honourable East India Company to his high status in Van Diemen's Land. It illustrates the driving urge of early capitalists to acquire property and how their belief in the unassailable value of land led many, like Swanston, to financial ruin when the severe depression of the 1840s reduced land values to below the level of their mortgages and bank loans.

Swanston operated under the administrative regimes of successive Lieutenant-Governors Colonel George Arthur, Sir John Franklin, Sir John Eardley Eardley-Wilmot and Sir William Denison. These were tumultuous times, exacerbated by diminishing internal revenue, increasing numbers of transported convicts, a lack of responsiveness from the Colonial Office in London, the growing desires of settlers and a strident demand for political representation. The despondency that characterised Swanston's last years in Van Diemen's Land occurred during the period that Hobart Town lost its commercial advantage as a port for whaling and trading vessels from around the world and when the broad horizons across Bass Strait beckoned away many ambitious people. While the opportunities of the new lands in Victoria did not save Swanston, he had played a critical role in their settlement, especially in establishing some founding flocks of Victoria's great wool industry. His 1837 prescience that: 'Port Phillip is established and flourishing and cannot fail to be a great Colony' is manifest in the bustling metropolis of Melbourne today. Its central thoroughfare, Swanston Street, perpetuates his name. Swanston was a player in the expanding and volatile world of international capitalism. His biography adds an important chapter to the economic and political history of Australia.

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I sincerely thank my supervisor, Associate Professor Stefan Petrow, for his encouragement and unstinting patience and good-humour throughout my studies in the School of Humanities at the University of Tasmania. Stefan's guidance, particularly in directing my natural interests to a specific topic in nineteenth century mercantile history, is greatly appreciated. His passion for history – the 'Queen of the Humanities' – is infectious. I also thank Professor Michael Roe for his insights, and Associate Professor Peter Chapman for stimulating dialogue surrounding my topic. As a distance student on infrequent visits to the university, I have gained much from staff and other post-graduate students in the conversation of Thursday mornings in the history tea room.

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The company of family and friends provided encouragement and distraction in perfect proportion. A younger generation comprising Sylvie, Helena, Isobel, Elizabeth, Rufus and Tara caused me to think often about the purpose of such a project and hence has been a major source of inspiration. And immense thanks to my dear husband, Geoffrey, for his support and understanding during my recent consuming pre-occupation.

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A note on spelling, style and references

In the Australian colonies during the mid-nineteenth century, the spelling of personal names was flexible, for example, the cognomen of explorer and bushman, John Batman, was often spelt Battman or Bateman. In the interests of authenticity, this study adopts the spelling used by the owner of the name. In Chapter 6, unfortunately the full names of some shepherds and servants are not known.

Similarly, the spelling of place names varied considerably. Again, the choice of the primary source has been followed. Where a place has been renamed, its present name is included in parenthesis, for example, Kangaroo Bay (Bellerive).

Australia's island colony was known as Van Diemen's Land until August 1855 when it was officially proclaimed Tasmania. This study covers the years when the island was Van Diemen's Land and its people frequently referred to as 'Vandemonians'.

Direct quotations carry the exact spelling and writing style of their writer, usually without use of the Latin 'sic'.

References

Most of the evidence of this study is derived from original documents in the *Derwent Bank Papers* held in the WL Crowther Collection of the Tasmanian Archive and Heritage Office. These papers comprise thousands of individual documents, ranging from bank circulars, bills, letters and ledger books to personal correspondence from government officials, family and friends. They were being catalogued towards the end of my research and as writing the dissertation was underway. The individual items are referenced as they were initially found in their archival boxes, by box and bundle number; box being an archival box, and bundle being the wads of papers tied with tape or string in a rough sort of subject order and numbered with a slip of paper. No page numbers are available. Some wads, for example, bills or cheques, had not been untied for more than 165 years. The provenance of the *Derwent Bank Papers* is discussed in the following Introduction.

Because there were so many individual documents from this collection to reference, for space considerations a slightly abbreviated form is used, for example:

> Fergusson to Swanston, letter, 14 November 1835, Box 32, Bundle 7, *Derwent Bank Papers*, WL Crowther Collection, Tasmanian Archive and Heritage Office
>
> is abbreviated to:
>
> Fergusson to Swanston, 14 November 1835, Box 32/7, *Derwent Bank Papers*, TAHO.

Six letterbooks from the original papers are held in the Royal Society of Tasmania Collection in the University of Tasmania Archives. Not all contain page numbers. Footnotes for these are written in the following style:

> Swanston to Mercer, 6 June 1835, Letterbook RS 9/3 (1), UTA, p 198.

Acronyms

Acronyms have been used sparingly. Some used in footnotes or captions include:

ADB	*Australian Dictionary of Biography*
ANU	Australian National University
BCE	Before Common Era
CE	Common Era
HRA	*Historical Records of Australia*
NLA	National Library of Australia
NSW	New South Wales
RS	Royal Society of Tasmania
SLNSW	State Library of NSW (Mitchell Library)
SLV	State Library of Victoria
TAHO	Tasmanian Archive and Heritage Office
TPA	Tasmanian Parliamentary Archives
UTA	University of Tasmania Archives
UTAS	University of Tasmania
VDL	Van Diemen's Land

Glossary

Dutigalla and Geelong	The Aboriginal names for the land John Batman incorporated in his 'treaty' of June 1835. Dutigalla was the land that soon became known for 'the settlement' on the Yarra River, later named Melbourne, and now the capital of the Australian state of Victoria. Geelong was the area around Corio Bay, and now is the name of the large town at its centre.
Iramoo	An Aboriginal name for Port Phillip Bay.
Port Phillip	Denoting the grazing lands around Port Phillip Bay settled after mid−1835.

Image 1: Captain Charles Swanston in his youth. Photo of a portrait copied from a miniature in 1887, thirty-seven years after Swanston's death. Australian Joint Copying Project M445 microfilm, Courtesy State Library of Victoria. (Attempts to trace the artist so far have been unsuccessful).

Map 1: 'Map of the settled part of Van Diemen's Land, copied from a map in the possession of H.E. Col G.A. Arthur Lt. Governor. Drawn by Thomas Scott, engraved and published by James Ross 1830.' Courtesy Royal Society Map Collection, University of Tasmania Archives, RS Mp/17.

INTRODUCTION

Merchant statesman Captain Charles Swanston (1789−1850) was a towering figure in the commercial life of Van Diemen's Land between 1830 and 1850 − formative decades in the colony's history. His global networks and financial acumen helped usher in a flush of investment, trade and private enterprise. Banker and financier, legislator, internationally-renowned merchant, entrepreneur, war hero and a man of learning and style, his influence permeated the colony's administration and social institutions. He was an instigator of the settlement of Victoria and, through his commitment to civil institutions, political representation and free trade, was a prime mover in social change. The contribution of no other Van Diemen's Land merchant of this era came close to his gift to the two nascent colonies. No colonial governor held authority so long.

Yet Swanston had known faults. He was capable of being elitist and uncivil and the way he handled accounts was sometimes questionable. His business practices were always shrewd, but with the deepening of the 1840s depression some of his later decisions proved ill-judged and desperate. When the Derwent Bank collapsed in September 1849, society was shocked by the amount of his personal debt to it, and also by his clients' losses. Following Swanston's death, his name almost faded from public memory.

Swanston's colourful life has the potential to reveal a wealth of evidence about nineteenth century mercantile enterprise by examining his endeavours in the remote island colony. However, a proper historical evaluation has not previously been undertaken. This is surprising, given the attention devoted to the lives of colonial governors, mostly less effective and less intriguing. Over the last seven decades a view has emerged of Swanston as a pretentious, rather unscrupulous rake, the type of 'anti-hero' commonly featured in Australian folklore. This characterisation can be traced back to an engaging, but cynical, address given by WH Hudspeth to the Royal Society of Tasmania in 1948, published as an article of about 5,500 words in the society's proceedings the following year.[1] Parts of

[1] WH Hudspeth, 'The rise and fall of Charles Swanston', *Papers and Proceedings of the Royal Society of Tasmania*, 1948, pp 1-15. Wilfred Hugh Hudspeth (1874-1952) was a Hobart solicitor and grandson of pioneer settler of the Jericho district, Dr John Maule Hudspeth (1792-1837). For many years he served on the Council of the Royal Society of Tasmania and in later life, he wrote papers and gave regular talks on the ABC on

Hudspeth's article have been quoted so often, and by such reputable writers, that the portrayal has become conventional wisdom. The address has not served Swanston's reputation well.[2] Perhaps a reason that various myths took hold so readily was that, despite Swanston's high status during his lifetime, no obituary appeared on his death and few biographical details were on the public record when Hudspeth did his research in 1948.[3] In his desire to deliver an entertaining after-dinner talk, the author could not have imagined his words would assume such authority over time.

Quest and originality

The quest of this study has been to discover what the story of this one man can reveal about the world of commerce both within Van Diemen's Land and beyond during the middle decades of the nineteenth century. How far were Swanston's endeavours representative of those of other free colonists? Were there links with other colonies and other empires? There is also the tantalising question of how and why this man, so powerful and prominent in his era, was relegated to the shadows of history. Was personal financial failure such an enormous disgrace? Or was the sin the loss of other peoples' money?

The originality lies in a comprehensive analysis and measured assessment of Swanston's personal struggles and achievements, enabled by access to the *Derwent Bank Papers*, a rich and complex primary resource that had been known about for seventy years, but scrutinised for the first time during this study (see discussion under the sub-heading 'Sources' below).

Tasmanian history, RS.3, University of Tasmania Archives (hereafter UTA). Many basic biographical details used by Hudspeth appear to have been drawn from handwritten notes compiled by historical researcher Amelia Wayn, Swanston Correspondence File, Tasmanian Archive and Heritage Office (hereafter TAHO).

[2] Factual errors also tend to be perpetuated, many small, but a couple more significant, like the claim that Swanston arrived in 1829 with £10,000 – at best, probably paper securities that disappeared with the collapse of Palmer & Co – and the claim that he purchased 'Fenton Forest'. As Elizabeth Fenton records, the sale to Swanston fell through and Michael Fenton bought the property, hence the name. E Fenton, *The Journal of Mrs Fenton 1826-1830: A Narrative of her life in India, the Isle of France (Mauritius), and Tasmania during the Years 1826-1830*, (London, 1901), pp 366-367.

[3] By 1948 SJ Butlin had written two articles about the management of the Derwent Bank – 'Historical records in Australian banks', *Historical Studies: Australia and New Zealand*, Vol 2, No 6, 1942, pp 114-118, and 'Charles Swanston and the Derwent Bank 1827-1850', *Historical Studies: Australia and New Zealand*, Vol 2, No 7, 1943, pp 161-185; Kathleen Fitzpatrick was about to publish her often-referenced biography, *Sir John Franklin in Tasmania 1837-1843, (*Melbourne, 1949), and was aware of Swanston's influence and his alliance with Montagu, but no-one before Hudspeth had looked at broader aspects of Swanston's life.

'Merchant statesman'

The term 'merchant statesman', a concept of the British Empire, is used to describe and explain Swanston. It is a theoretical construct understood for centuries to denote a far-sighted commercial man whose own endeavours and wealth conferred benefit on the state. Saxe Bannister used the term in his 1858 biography of Scottish merchant Sir William Paterson (1658−1719), founder of the Bank of England.[4] Bannister, the first Attorney−General of the Colony of New South Wales (1824-26), highlighted Paterson's eminent standing in society acquired through his 'great industry and enterprise, combined with great and various abilities, and a rare integrity.' Emphasising these attributes, Bannister quoted an anonymous contemporary of Paterson's as saying:

> Mr Paterson has great experience, universal travelling, and correspondence, exact observing, and he has made it many years his study and work to lay a design to benefit his native country.[5]

Another person who defined the concept was the prominent nineteenth century Liverpool cotton broker and parliamentarian, Samuel Smith, who, in reflecting on his own era, expounded:

> The head of a great firm dealing with foreign countries needs to be a statesman, an economist, and a financier, as well as a merchant. He must have the power of taking a bird's-eye view of the whole situation, like the general of an army, and like all great commanders, he must be able to discern talent, and promote it to high position… The old British merchant as I remember him before the days of syndicates and limited liability was often a truly great man, honourable, far-sighted, enterprising, yet withal prudent and cautious; simple in his life, and temperate in all things. The great fabric of British trade was built on these foundations.[6]

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[4] S Bannister, *William Paterson, the Merchant Statesman and founder of the Bank of England: His Life and Trials,* (Edinburgh, 1858), p 63. Author Saxe Bannister, as well as being a barrister and first Attorney-General of New South Wales, was a scholar of British colonial history. CH Currey, 'Bannister, Saxe (1790–1877)', *Australian Dictionary of Biography*, (hereafter *ADB*), Vol 1, (Melbourne, 1966), p 55.

[5] 'A letter from a Gentleman in the Country to his Friend at Edinburgh, folio, p 7, Edinburgh; 1696', quoted in Bannister, *William Paterson*, p 65.

[6] S Smith, *My Life Work*, (London, 1902) p 36, quoted in S Chapman, *Merchant Enterprise in Britain from the Industrial Revolution to World War 1*, Vol 1, (Cambridge, 1992), p 9. Samuel Smith (1836-1906), politician and philanthropist, was senior partner of Smith, Edwards & Co., cotton brokers of Liverpool, and Liverpool head of James Finlay & Co, a large cotton business of Glasgow and Bombay. He was a Liberal Member of Parliament from 1882-1885 and 1886 to 1906. He frequently spoke in the House of Commons on moral, social, religious, currency and Indian questions, and wrote prodigiously on such issues, G Le G Norgate & Rev HCG Matthew, *Oxford Dictionary of National Biography*, 2004, accessed on line 20 January 2017. Samuel Smith is another who fits the trope of Merchant Statesman.

Swanston certainly had travelled widely. From his home in the Scottish borders he ventured through India, Europe, Persia and Asia Minor, Mauritius, and the Swan River Colony before first arriving in Van Diemen's Land in 1829. After settling permanently in Hobart Town in 1831, he visited New South Wales and Victoria, and later California and some islands of the Pacific. The chapters that follow demonstrate his aspirations, as well as other characteristics mentioned by Samuel Smith. There is evidence that those around him recognised his global outlook. Up to the collapse of his bank, he had a reputation for integrity. Simplicity, however, was not a feature of his life: status and authority in the colonial social order came with trappings.

In the Australian context, the term 'merchant statesmen' is best explained by John Reynolds describing men such as Thomas Daniel Chapman (1814−1884) and James Milne Wilson (1812−1880) who took up the reins when Tasmania achieved responsible government in 1856.[7] Reynolds says they were men who, born in the British Isles, had received adequate education and training for the new commercial careers then open to them in the Australian colonies.[8] They also brought with them a knowledge of Empire trade of which the colonists had no first-hand experience. Reynolds was profiling political leaders over the first one hundred years of responsible government in Tasmania; that is, beginning in 1856, after Swanston's lifetime. Reynolds claims other Australians in the category of merchant statesman in the three decades before federation included Sir James Service (Victoria), Sir William McMillan (New South Wales) and Sir Robert Philp (Queensland).[9] All earned their reputations and fluctuating fortunes in foreign and inter-colonial trade. The criteria used by

[7] J Reynolds, 'Premiers and Political Leaders', *A Century of Responsible Government 1856−1956* ed. FC Green (Hobart, 1956), p 115-238. Merchants Chapman and Wilson were thrust into their new careers as parliamentarians with the coming of responsible government, transitioning from a partly-elected Council in 1851 to an elected bicameral parliament in 1856, http://www.parliament.tas.gov.au/History/tasparl/mlcs1825to1855.htm, accessed 12 January 2012. Chapman was a merchant, agent for Lloyd's, anti-transportation campaigner, Treasurer and Premier, FC Green, 'Chapman, Thomas Daniel (1815−1884)', *ADB*, Vol 3, (Melbourne, 1969), p 383; E Robin, 'Lloyd's: Australian beginnings in pioneer globalisation', *Papers and Proceedings Tasmanian Historical Research Association*, Vol 61, No 2-3, December 2014, pp 143-144. Milne Wilson was a politician, brewer and landowner, N Smith, 'Wilson, Sir James Milne (1812−1880)', *ADB*, Vol 6, (Melbourne, 1976), p 415.
[8] Reynolds, 'Premiers and Political Leaders', p 140-141.
[9] *Ibid*.

Reynolds would have embraced Swanston and his colleague, banker, merchant and politician Charles McLachlan (1795−1855), had they been within the scope of his study. [10]

The term 'merchant' in the nineteenth century carried a different connotation to that of today.[11] British historian Stanley Chapman defines nineteenth century merchants as 'entrepreneurs engaged in foreign (overseas) commerce as wholesale traders', not to be confused with pedlars, shopkeepers, wholesalers, or market stall holders who are sometimes termed 'merchants' in common parlance.[12] As each of the Australian colonies operated as a distinct economy in the nineteenth century, Chapman's definition is applicable to Van Diemen's Land entrepreneurs trading inter-colonially. Chapman lists moral probity, discipline, family and group loyalty, achievement ethic and the degree of inward or outward looking objectivity as critical factors for success in the distinctive merchant cultures of the nineteenth century.[13]

While a number of theoretical frameworks could have shaped this study, such as the approaches of transnational history, entangled history, imperial history or the discipline of social anthropology, after careful deliberation the traditional form of biography was chosen, using themes to examine the various facets of Swanston's career and private life. This appeared to be the best method of pulling together the disparate threads crossing cultures, space, class, political regimes and social attitudes. Matters that influenced this choice were first, the need to deploy a mass of new information uncovered in the *Derwent Bank Papers* which had relevance to established themes in Australian history; second, to give life to the amorphous figure known only by name in the two Australian states he pioneered; and third, as an avid reader of biographies, a desire to present an account that others would find interesting. As pointed out by Curthoys and McGrath, biography is probably the most popular form of history.[14] It is said that there are more than 10,000 biographies of Abraham

[10] Charles Swanston and Charles McLachlan both were appointees on the Legislative Council before the coming of responsible government. Charles McLachlan was a member of the Legislative Council from 1832 to 1842 when he left on a protracted trip to England. Charles Swanston served sixteen years between 1832 and 1848.
[11] Today's meaning is simply 'someone who buys and sells for a profit, a wholesaler', *The Macquarie Concise Dictionary*, 3rd ed., Sydney, 1998, p 714.
[12] Chapman, *Merchant Enterprise,* p 3.
[13] *Ibid*, p 11-12.
[14] A Curthoys & A McGrath, *How to Write History that People Want to Read*, (Sydney, 2009), p 186.

Lincoln.[15] This statistic alone demonstrates the dynamic nature of biography as well as the human thirst for understanding the lives of remarkable people. The collection of facts known to one author can be built upon with the acquisition of more detail and the different insights of others. To a significant degree, Swanston fits the description of what some historians call a transnational figure – he was cosmopolitan, lived in several countries, and was seen by others as a citizen of the world.[16] A transnational lens, for example, has the potential to be used in future for another examination of Swanston and his networks.

This study originated in an interest in the maritime culture of Tasmania and a curiosity about the impetus that led the first white settlers to a remote island at the end of the earth, about as far from their motherland as it was possible to be. In the 1830s the future of Van Diemen's Land showed such promise as even to overshadow New South Wales, the older colony. Hobart Town was an international port and a centre for whaling in the southern seas with shipbuilding growing into an outstanding industry. Launceston was developing as a major centre serving also the new settlements in South Australia and Port Phillip, and wool and grain had become valuable trade commodities.[17] Tasmanian historian, Henry Reynolds, has said that in 1836 the port of Hobart Town was 'a thicket of masts', bustling and thriving with trade and news from around the world, with reading rooms, the latest fashions, sheet music and string ensembles and was, in fact, a more cosmopolitan place than in 1936.[18] Yet while this flourishing period is widely acknowledged, little has been written about the mercantile sector and the men responsible for putting Van Diemen's Land wool, wheat, whale oil and other products on the market and ensuring the essential import of commodities. The historiography of Tasmania is still overly weighted towards the landed gentry with whom the merchants and financiers maintained a symbiotic relationship, or otherwise with the histories of governors and convicts. The original intent was to focus on a group of about ten commercial men as the lens through which to view the bigger mercantile picture. However, I soon realised that Swanston's story was astonishing and that aspects of

[15] *Ibid.*
[16] Transnational history stresses mobility and connections as its frame, not nation of birth, geographical or national allegiances, D Deacon, P Russell, A Woollacott, eds., *Transnational Lives: Biographies of Global Modernity 1700-present*, (Basingstone, 2010), pp 2, 3, 221.
[17] B Dyster, 'The Port of Launceston Before 1851', *Great Circle*, Vol 3, No 2, 1981, pp. 103-24.
[18] H Reynolds, 'Van Diemen's Land Society 1836', Maureen and Roy Davies Memorial Lecture, University of Tasmania, 31 January 2011. Reynolds drew an analogy between an international airport of today and the port of Hobart Town in 1836.

it epitomised the successes, struggles and thwarted ambition of the emerging capitalists. Swanston's life played out across imperial and colonial boundaries with many elements of potential interest to Tasmanian, Australian and international scholarship.

By serendipity, the decision was clinched by a remark at a Hobart conference which led me to the large, un-researched and un-catalogued collection of *Derwent Bank Papers* at the Tasmanian Archive and Heritage Office.

The challenge of biography

Acclaimed biographers – from James Boswell in the eighteenth century to David Marr in the present – have endeavoured to portray their subjects as vital, vibrant, yet fallible people.[19] Most agree that to be successful, a biography needs to reflect what a person thinks and feels as well as what they do. Historian Penny Russell expounds on the task of taking a person's words – in her case from a woman's diary – and, by analysing them as 'a permeable interface between subjectivity and culture', render them into significant history.[20] This, she claims, turns on an interpretation of her subject's character, personality, whims, aspirations and self-deceptions to enable readers to accept this figure as a legitimate human subject. It requires writing that is a combination of empathy and creativity, including the imagination that is vital to the historian's craft.[21]

Research fellow at the National Centre of Biography at the Australian National University, Karen Fox, says one of the most difficult challenges in biographical writing is to evoke a sense of the person '…who experienced the triumphs and the disappointments, the joys and

[19] In his landmark 1791 biography of Samuel Johnson, Boswell claimed he achieved this goal by interweaving the important events of Johnson's life with what he 'privately wrote, and said and thought; by which mankind are enabled as it were to see him live, and to "live o'er each scene" with him, as he actually advanced through the several stages of his life.' J Boswell, *Boswell's Life of Johnson*, 7th Reprint, (London, 1922), p 3. Notably, one of the reasons the incredibly private Nobel Prize winning author Patrick White allowed David Marr to write his life, after saying so often and so vehemently that biographers should wait until he was dead, was that he hoped a biographer might show him as a 'real' person. 'And I thought it might be just as well to be around when that person is writing about this person,' he told Marr. Marr also had the benefit of his subject's help to locate 2,500 letters that White had written to people around the world. D Marr, *Patrick White: A Life*, (Sydney, 1991), p 645. The subjects of other biographies by David Marr have included Chief Justice of the High Court of Australia, Sir Garfield Barwick, and Prime Ministers Kevin Rudd and Tony Abbott.

[20] P Russell, 'Almost Believing: the Ethics of Historical Imagination', *The Historian's Conscience – Australian Historians on the Ethics of History,* ed. Stuart Macintyre, (Melbourne, 2004), p 111.

[21] *Ibid.*

the heartaches'.[22] She warns about documenting a contentious life, admitting that 'navigating the contested waters of controversy and conflicting evidence so as to fairly evaluate lives and assess their significance is enough to keep authors (and sometimes editors) awake at night'.[23]

The discipline of keeping this biography evidence-based and not embellished has been strict; any sleeplessness has been occasioned pondering how to avoid what Stanley Fish calls 'the spiral sprawl of unconvincing speculation' and what Russell calls 'dry and dusty' reportage that no one cares to read.[24] The problem has been how to gain psychological insight into Swanston's motivation and view of the world given the paucity of comment from his own pen. Usually personal diaries, letters and various forms of creativity are the grist to the biographer's mill. In Swanston's case we are limited to the few, but oft-quoted, reflections in letterbooks, his drafts (were they actually sent?) and scribbled notes or calculations around the edges of incoming mail.[25] The scribbles relate to business matters, such as loans owing, wages due, counts of sheep and tallies of valuations or expenditure. Small reminders about domestic matters from his wife and elder daughters and a score or so of letters from his four elder sons are the only personal communications from other members of Swanston's family. Personal revelations about his motivations and affections were rare finds. Clues to attitudes, especially towards Aboriginal inhabitants, convicts and emancipists, were eagerly seized upon and incorporated into the following chapters.

The absence of detail about his childhood raised a significant problem. Without being able to explore Swanston's hometown or even, despite effort, find out which school he attended, there is a deficiency in the first chapter. The Berwick Record Office and the Wills of his maternal uncle, Anthony Lambert, and his mother, Rebecca Swanston, provided the only solid information available from this distance.

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[22] K Fox, 'Biography in the age of celebrity: what's left to reveal?' *The Conversation*, http://theconversation.com/biography-in-the-age-of-celebrity-whats-left-to-reveal-29281, accessed 4 January 2016.
[23] K Fox, 'The art and graft of the Australian Dictionary of Biography', *The Conversation*, http://theconversation.com/the-art-and-graft-of-the-australian-dictionary-of-biography-30417, accessed 4 January 2016.
[24] S Fish, 'Just Published: Minutiae Without Meaning', *New York Times*, 7 September 1999, http://www.nytimes.com/1999/09/07/opinion/just-published-minutiae-without-meaning.html, accessed 4 February 2016; Russell, 'Almost Believing', pp 111-114.
[25] Such as letters to John Montagu and William Hamilton in which Swanston complains of his difficulties and weariness, the weakened state of the colony or the 'imbecility' of Franklin.

The clay available to mould a biography largely dictates its approach. In Swanston's case, source material was limited to the pickings of business letters, records of the Legislative Council, bank papers, newspaper reports, and the tantalising one side of a long-term correspondence with friend and confidante Thomas Anstey (see following). This source compares with, for example, the abundant material historian John Poynter had to work with in his robust portrayal of the life of colourful early Melbourne settler Dr LL Smith, 'medico, writer, publisher, politician, litigant, showman, speculator, collector, vigneron, farmer, breeder and rider of racehorses and guiding hand for thirty years of Melbourne's great exhibition complex '.[26] With a family connection to his subject, a bundle of Smith's letters to his mother covering nearly two decades, highly descriptive newspaper accounts, plus many diverse obituaries, Poynter was able to present Smith's life in a series of entertaining episodes. This approach fitted Poynter's view of Smith's character− 'once a chapter of his life began to bore him he turned over yet another leaf and moved on to the next'.[27] Poynter also deals with the issue of how writing in the twenty-first century brings up issues of the violence of Aboriginal dispossession and convictism which did not necessarily bother the biographical subjects in their own lifetime and which were played down in the narratives of early Australia. He makes the point that there was a time when a person could feel proud to be a colonist, explaining a prevailing mindset: 'Victoria had not only produced British civilisation in a strange land, it had radically improved on the original'.[28] My study has attempted to view the world through Swanston's eyes. He was influenced by his experiences in the army of the Honourable East India Company and the enormous power wielded by that 'empire within an empire'.[29] He was one of those dominant white males proud to be a colonist, an explorer, an innovator, a builder and a founder. In a similar way that Poynter deployed his primary source material to keep pace with his subject's episodic progression through life, 'merchant statesman' seemed appropriate to embody the major themes of Swanston's. One wonders whether Swanston himself ever identified with the trope.

[26] J Poynter, *Audacious adventures of Dr Louis Laurence Smith: 1830-1910, Vol. 1 & 2*, (North Melbourne, 2014). NB pages numbered sequentially through the two volumes.
[27] *Ibid*, p xvii.
[28] *Ibid*, p 639.
[29] The idea of the Hon East India Company being 'an empire within an empire' has been adopted by some notable historians, including, for example, KM Dallas in *Trading Posts or Penal Colonies – Cook's Route to Pacific Trade*, (Hobart, 1969), p 7.

In discussing the genre of biography, scholar Paula Backschieder asserts that the primary purpose of biography is to give a 'vivid picture of an interesting person whose life matters.'[30] As the following chapters demonstrate, Swanston's life did matter.

Sources

The survival of my primary source, the *Derwent Bank Papers*, has been remarkable.[31] During World War Two news spread among Tasmanian historians that a pile of dusty books and papers had been located in a disused flour mill in Barrack Street, in the centre of Hobart. The mill had been owned by John Walker, the man charged with liquidating Swanston's estate after the Derwent Bank collapsed in 1849 and nearly a century later the mill was owned by a relative, Mrs CN Atkins. Historian Ken Dallas of the University of Tasmania became aware of the existence of the papers, but naval service prevented him from examining them. Economist and historian Syd Butlin, at the time gaining prominence as an authority on monetary and banking systems, was able to examine them in 1941 'through the good offices of the Governor of Tasmania, HE Sir Ernest Clark'.[32] Butlin described the pile of papers as fifteen feet long and four feet high in two rows, covered with years' accumulation of dirt and with some books apparently used by children for drawing and pressing flowers. Most of the books were account books, varying from small rough memoranda books to ledgers almost too big to move. Among them Butlin found six books of letters – three comprising copies of outward letters from the Derwent Bank between 1829 and 1854 and the other three comprising copies of outward letters relating to Swanston's private business affairs. Butlin declared these were 'of the first importance for any study of the economic history of Tasmania and for the period they cover'.[33] Butlin also said that until their discovery Swanston had been a 'very obscure figure' in spite of the amount of time which investigators had devoted to the Port Phillip Association. He claimed that to the date

[30] PR Backschieder, *Reflections on Biography*, (Oxford, 1999), p xviii.
[31] The original *Derwent Bank Papers* are now held in three locations, at the Tasmanian Archive and Heritage Office (TAHO), the Royal Society of Tasmania Collection in the University of Tasmania Archives (UTA) and the State Library of Victoria (SLV).
[32] Butlin, 'Historical records', p 117.
[33] *Ibid*, pp 114-118.

of his own publications, Swanston had not rated an entry in the *Australian Encyclopaedia*, the *Dictionary of Dates and Men of the Times* or the *Australian Biographical Dictionary.*[34]

Butlin was fortunate to see the entirety in the old flour mill, because soon after it was dispersed. Mrs Atkins donated the letterbooks and some other records to the Royal Society of Tasmania's Collection, now held in the University of Tasmania Archives.[35] Soon after, their contents were drawn on by historians such as Max Hartwell, WH Hudspeth and Kathleen Fitzpatrick, as well as Butlin.[36]

The remaining papers stayed in the mill until Tasmanian medical practitioner and collector Dr (Sir) William Crowther heard of them through Hudspeth.[37] Crowther claimed that Mrs Atkins had offered them to the Royal Society Library, the State Library and the University of Tasmania Library, but none of these institutions was interested in acquiring them. He says the floor of the mill was covered in papers, 'thousands of them'. He asked Mrs Atkins if he could have them as a personal collection. Every Friday night over the next month Crowther backed his car into the mill and filled jute bags with papers to take to his 'old place' at Oyster Cove. 'I then turned them all out on the turf and made a selection of what was salvageable,' Crowther recalled.[38] 'Some were in pulp, rat eaten or soiled by rats. I did a preliminary sort for something to be done with them, burnt the rest,' he added. Crowther realised that a number connected with Batman's settlement of Victoria were 'of great interest and value' and he took them back to Hobart. In 1981 the Port Phillip Association material was sold by Crowther's estate through Spink Auctions (Aust) in Sydney to the State Library of Victoria.[39] This collection includes important letters between the early members

[34] *Ibid,* p 117.
[35] As well as the letterbooks RS 9/2 (1-3) and RS 9/3 (1-3), the Deed of Settlement of the Derwent Bank, a cashier's day book, some ledger accounts and some miscellaneous papers were deposited in the Royal Society Collection, UTA. In 1961, a small selection of records was transferred to the Archives Office of Tasmania (NS37 items 15-63).
[36] The relevant works of Butlin, Fitzpatrick, Hartwell and Hudspeth have been referenced above.
[37] WEH Crowther, *My Collections, Sir William Crowther in three interviews with Ken Gilmore*, 1974, TL DVD XX (1169168.1), Disc 3,TAHO.
[38] *Ibid.*
[39] J Murphy, 'George Mercer: Two Recent Acquisitions', *LaTrobe Journal*, No 58, 1996, pp 2-5; *Commonwealth Gazette*, 21 May 2008, p 1125; Ian Morrison, Senior Librarian (Heritage Collections), TAHO, *pers com*, 16 February 2015.

of the Port Phillip Association.[40] Unfortunately, however, the resultant hole in the collection residing in Tasmania meant that some continuity and context was lost. Had the papers stayed together, in the knowledge that they referred to the settlement of Port Phillip they would have been accessed earlier and Swanston's bold hand in the settlement at Port Phillip would have been more adequately recognised. The way these papers eventually came to the light of day demonstrates how haphazard the preservation of historical material can be, and therefore how selective our glimpses and how fragmented our understanding.

In 2014 the *Derwent Bank Papers* comprised thirty-nine archive boxes stuffed with thousands of individual documents, such as Derwent Bank cheques, bills, circulars, correspondence, drafts, ledgers and miscellaneous papers. Most were contained in their original bundles, tied with faded pink tape, lengths of string or strips of paper. Some were water damaged, very dirty or faded, making them hard to read. In selecting various documents out of the array on his turf at Oyster Cove, Crowther had jumbled their original order.[41] He put letters from some better known settlers in the paper sleeves of an old record album that previously contained recordings of Mozart and Schubert symphonies. This album forms 'Box 40' and, along with a seventh letterbook, was among the first catalogued by the Tasmania Archives.[42] Cataloguing of the entire collection is underway as this study draws to a close.

While the paucity of personal correspondence from Swanston remains a disappointment, one side of the regular correspondence he maintained with wealthy wool grower and fellow Member of the Legislative Council, Thomas Anstey, still exists.[43] Unlike business correspondence in letterbooks, usually penned by amanuenses for the eyes of almost

[40] The collection includes letters from early members of the Port Phillip Association, Michael Connolly, John Batman and JT Gellibrand, to Charles Swanston, 1835-1837, and letters from George Mercer to the association and to David Robertson, *Commonwealth Gazette*, No GN 20, 21 May 2008, p 1125.

[41] An index compiled by a student volunteer in 2006 was helpful in indicating which boxes contained solely cheques or proformas and which ones held the more interesting correspondence. However, in the eventuality, all forty boxes were accessed. The volunteer, Bronwyn Meikle PhD, won a Tasmanian Government Award for Educational Excellence for her work on the index and was the person at the conference who informed me of the existence of the collection.

[42] CRO31/1/45, but to the date of writing without a given location. Some other documents, for example, a few short letters to Swanston from Franklin and Lady Franklin, were catalogued in the general archive. The letterbook is CRO24/1/1.

[43] Attempts to locate Swanston's letters to Anstey, or a larger repository of Anstey's personal records, drew blank.

anyone, Anstey's letters are intimate and insightful, communicating views on concerns of the day and the common interest of both men in the economic survival of the colony. Anstey's wit must have provided levity for Swanston, enlivened many a meeting and underpinned often serious advice. Information in these two hundred or so letters is titillating, as well as revealing economic and political life in Van Diemen's Land. Importantly, Anstey's letters lend an authentic voice to this study. Without Anstey's commentary, Swanston's actions would be less understandable. He would remain like a cardboard cut-out man, named in chronicles of facts and figures, flat and without personality. Anstey's correspondence proves Swanston was vital and responsive.

An educated man from a legal family of Highercombe near Dulverton, Somerset, Anstey emigrated to Van Diemen's Land in 1823, establishing his property 'Anstey Barton' on a tributary of the River Jordan near Oatlands.[44] Through grants and purchases, by 1836 he owned more than 20,000 acres and was one of the colony's foremost wool kings. He was known for his 'urbanity, humour and wise counsels'.[45] Arthur thought him 'one of the most active and intelligent magistrates in the Territory'.[46] 'Anstey Barton' served as headquarters for the central districts in Arthur's 'Black War' of the early 1830s. During this dark episode, Anstey was assisted by Danish eccentric Jorgen Jorgenson, then his field police and assistant clerk, a man with sharp political perception and a flair for writing. Jorgenson features in Chapter 6, in the history of the settlement of Victoria.

Anstey was one of the first 'non-officials' appointed to the Legislative Council by Arthur in 1826, serving with three other wealthy squires, Thomas Archer of 'Woolmers', Longford; James Cox of 'Clarendon', Nile; and Richard Willis of 'Wanstead', Campbell Town.[47] When Swanston joined him on the Council in July 1832, Anstey took it upon himself to instruct Swanston on the prevailing interests of the rural sector – what he called 'the interior' – so dear to his heart, and to impart his extensive knowledge of the law. Deliberately or inadvertently, Anstey assumed the role of Swanston's mentor and sounding board, as well

[44] Anon, 'Anstey, Thomas (1777-1851)', *ADB*, Vol 1, (Melbourne, 1966), p 19.
[45] *Ibid*.
[46] Despatch, Lieutenant-Governor Arthur to Sir George Murray 405 VLD, 12 Sept 1829, *Historical Records of Australia* (hereafter *HRA*), Series iii, Vol vii, p 608.
[47] Proposing Anstey as a Member of the Legislative Council, Arthur described him as 'a most respectable agriculturalist', Arthur to Earl Bathurst, 21 April 1826, *HRA*, Series iii Vol v, pp 147-8.

as friend and confidante.[48] Anstey's correspondence with Swanston points to a strong bond between two powerful intellects, and reflects their exertions as members of the Legislative Council, co-directors of the Derwent Bank and partners in several private enterprises. Anstey supported democratic ideals and just governance. It is evident that Anstey – on his bucolic 'Anstey Barton' – was a more prominent power player in Van Diemen's Land than has previously been recognised. By the time Sir John Franklin arrived to replace Arthur in January 1837, Anstey and Swanston knew all the leading citizens and the business of the colony better than any governor ever could. As directors of the Derwent Bank they also had a good idea of most settlers' financial circumstances. When Anstey and Swanston worked in tandem they formed the basis of an incredibly strong force in Van Diemen's Land's politics. Anstey had a sharp wit, a ready pen and a strong sense of British justice. His frequent use of classical and literary analogies and Latin and French phrases indicate that Swanston must have shared such recondite understanding. Anstey's early letters, which started off 'My dear Sir', usually ended with pleas like 'Favour me with a few lines tomorrow', 'a little news from you now and then would be an act of charity', 'enliven my solitude', but within a short space of time the addressee became 'My dear Swanston' and the confidences became more intimate. During periods of political excitement Anstey wrote to Swanston as frequently as two or three days a week, often giving advice to Swanston on what to do next. While acknowledging the dangers in using only one side of a correspondence, it is clear from the tone and content of Anstey's letters that the two men generally were in agreement. There is really only one instance when Anstey hints a different course of events to that being taken by Swanston and that relates to veracity of the so-called treaty with the Aboriginal people at Port Phillip.[49]

Another important primary source shedding light on the extraordinary experiences that shaped Swanston's character is Swanston's own account of his 1814 mission from London to Constantinople and then on horseback across Asia Minor and Persia to Bombay carrying

[48] An example of this influence resulted in Swanston supporting the continuation of the death penalty for sheep or cattle stealing, with Anstey subsequently writing: 'You carried your point that sheep and cattle stealing should continue a Capital offence here. You did well. Alter it, and I predict that, in three months, that description of Felony will be increased tenfold.' Anstey to Swanston, 3 September 1834, Box 32/9, *Derwent Bank Papers*, TAHO.

[49] This matter is discussed in Chapter 6.

despatches for the Governor-General of India.[50] Swanston's pencil-written diary was transcribed by a descendant, LS Swanston of South Norwood, in 1889 and published in London four years later. LS Swanston also appears to be the compiler of the records of Swanston's service with the Honourable East India Company.[51] The deeds mentioned in the service record tally with the accounts in Charles MacFarlane's *A History of British India from Earliest English Intercourse*, newspapers of the day and other writings about the Third Maratha Wars.[52]

Apart from the *Derwent Bank Papers*, proceedings of the Legislative Council and of the Royal Society of Tasmania and official despatches, the search through Australian collections yielded little other primary source information regarding Swanston. The letters and journals of other settlers, pamphlets, sketches, paintings, maps and charts were searched for even mention of his name. Newspaper reports and the small snippets that were found have been used avidly. Details of his birth in Berwick-upon-Tweed, Northumberland, England, were obtained from a commissioned search through the Berwick Record Office.[53] Architectural historian and antique dealer, Warwick Oakman, generously provided the opportunity to soak up the ambience of the Swanstons' gracious villa 'New Town Park'. In particular, the vestibule where the couple greeted many eminent guests and the elegant library where he spent long hours managing his many enterprises are imbued with a sense of Swanston's own expectation. However, one of the most exciting discoveries came towards the end of the research in establishing contact with a great-great granddaughter, Janie Swanston, in New Zealand. Janie produced an original portrait of Georgiana who had married Swanston in Madras, India in 1821 at the age of seventeen.[54] Georgiana was dignified, dark-haired with large inquisitive eyes, but the portrait was so completely different from what had been imagined of the wealthy colonial wife that it was a salutary alert about preconceived ideas. Rather than a glamorously-gowned woman with immaculate ringlets and opulent jewellery, typical of other women portrayed at the time, Georgiana is a serene figure in a dark high-

[50] *Rough diary of a journey from Scutari to Baghdad, performed on horseback in 1814 by Lieutenant C Swanston,* (Uxbridge, 1893).
[51] C Swanston, *Statement of the Services of Captain Charles Swanston of the 2nd Battalion, 12th Regiment, Madras N.I., subsequently the 24th M.I.,* (London, 1891), TL. P 920 SWA, State Library of Tasmania.
[52] C MacFarlane, *A History of British India from Earliest English Intercourse*, (London, 1881), p 424.
[53] *Berwick Record Office*, by email 19 October 2013.
[54] *Asiatic Journal and Monthly Register*, Vol 12, 1821, p 393.

necklined dress and a white muslin bonnet. Searching Georgiana's intelligent face for clues of her experience emphasised the fact that she was a unique individual with her own secrets, and that many aspects of the Swanstons' lives would remain unknown.[55]

Literature review

All literature reviewed – from quite dated to recent publications – highlighted the role of trade in the growth of the British Empire. Towards the turn of the twentieth century, economic studies by historians such as Stanley Chapman and Geoffrey Jones show how British merchants responded to the unprecedented opportunities of the industrial revolution and helped maintain the empire's superiority throughout the nineteenth century despite a ten-fold increase in world trade.[56]

More recently, Frank Trentmann has shown how distant continents were drawn together in a 'world of trade' during the three centuries 1500 to 1800.[57] The Silk Road had connected Asia with the Mediterranean from 200 BCE and by 800 CE the Indian Ocean was a 'dynamic, integrated trading zone' with highly-prized commodities including silks, cottons, dates, sugar, timber, porcelain, Turkish carpets, metals, furs, as well as pepper and spices. But after 1500, as well as the Americas being opened, the trading zones of the different empires (e.g. Mughal, Chinese, French, Dutch, British) became connected in a truly global manner. Tea, porcelain and sugar flowed from China to Europe and the Americas as well as Japan. American tobacco, turkey, maize and the sweet potato went to China; cotton textile from Gujarat and the Coromandel coast of India found new customers in Europe and the Atlantic colonies, in addition to established markets in Japan and East Asia.[58] Merchants themselves were ambassadors of new fashion and taste. Not only did they introduce exotic products, as in the case of cocoa and coffee, but instructions and etiquette for their use.[59]

[55] At the time of writing, the artist and date of the portrait were unknown. If painted after 1850 it is possible that Georgiana was in mourning clothes.
[56] S Chapman, *Merchant Enterprise in Britain from the Industrial Revolution to World War 1*, Vol 1, (Cambridge, 1992); G Jones, *Merchants to Multi-Nationals – British Trading Companies in the Nineteenth and Twentieth Centuries*, (Oxford, 2000).
[57] F Trentmann, *Empire of Things*, (New York, 2016), p 23.
[58] *Ibid.*
[59] *Ibid*, pp 38, 81-85.

Closer to home, commercial histories are relatively rare in Australian historiography, particularly in recent decades. George Sutherland's 1898 history of the South Australian Company remains useful in depicting the mindset of entrepreneurial capitalists going out to the colonies to make a fast fortune. Written when South Australia had been established for little more than half-a-century, Sutherland demonstrates the temerity of the South Australian Company, under the leadership of George Fife Angas, settling the colony without official sanction of the home government.[60] It is a eulogy to private enterprise and to those whom Sutherland calls 'self-reliant colonists who have plenty of room to breathe and plenty of hard work'.[61] It prompts the thought that the main difference between this company and the Port Phillip Association formed in Van Diemen's Land with Swanston as catalyst was only that its membership came directly from *London's* commercial elite. Sutherland's conclusion is that the experiment of the South Australian Company was a success and, in extolling private enterprise, he repeats a quote of Edmund Burke from his great speech on the India Bill, that **'**there were some merchants who acted in the spirit of statesmen**.'**[62]

A spike of interest in economic history between the nineteen forties and nineteen seventies produced a handful of Australian studies still used in academic teaching and reference. These included the works of Ken Dallas, Max Hartwell, Syd Butlin and Margaret Steven.[63]

Dallas's proposition, first forwarded in the early nineteen-fifties, that the settlement of Australia was the outcome of a commercial revolution based on sea power and the rise of a new social class − the free traders − caused a major re-think about the beginnings of the Australian nation. Dallas argued that Britain's prime motivation in transporting convicts to New South Wales was to establish strategic trading posts in the South Pacific and to capitalise on the riches of the southern fishery.[64] This is compelling, whereas what Dallas

[60] G Sutherland, *The South Australian Company,* (London, 1898).
[61] *Ibid,* pp 7-8.
[62] *Ibid*, pp 237-238.
[63] KM Dallas, *Trading Posts or Penal Colonies – Cook's Route to Pacific Trade*, (Hobart, 1969); RM Hartwell*, The Economic Development of Van Diemen's Land 1820-1850,* (Melbourne, 1954); SJ Butlin, 'Historical records in Australian banks', *Historical Studies: Australia and New Zealand*, Vol 2, No 6, 1942, pp 114-118; 'Charles Swanston and the Derwent Bank 1827-1850', *Historical Studies: Australia and New Zealand*, Vol 2, No 7, 1943, pp 161-185; *Foundations of the Australian Monetary System 1788-1851,* (Melbourne, 1968); M Steven, *Merchant Campbell 1769-1846: a study in colonial trade*, (Melbourne, 1965).
[64] Dallas, *Trading Posts,* pp 1-8, 122-123.

calls 'the Getting Rid of Crime view' does not make sense.[65] The growth of whaling off the coast of southern Australia so soon after settlement of Port Jackson harmonises with Dallas's explanation of how whalers Samuel Enderby, John St Barbe and Alexander Champion had successfully lobbied the British Government in the late 1780s and early 1790s for the freedom of all seas leading to the gradual weakening of the Navigational Acts and the breakdown of mercantilism by the 1830s.[66] These were vital issues in the growth of trade and the development of Van Diemen's Land.

Hartwell's *Economic History of Van Diemen's Land 1820-1850*, published in 1954, covers the period 1820 to 1850 (overlapping the time-frame of this study) and is invaluable for its perspective on the impact of market forces in Britain on the Van Diemen's Land trade cycle. He argues that the 'prison' − the penal colony of Van Diemen's Land − was destroyed by a freedom of enterprise, and that with the growth of colonial income came social and political aspirations. This explanation underpins the discussion in Chapters 3 and 4 about Swanston's role as legislator.[67] Hartwell positions Van Diemen's Land's history as part of Australian, British, and in turn, European and world history, 'when it is realized that the colonial entrepreneur was as much a figure of the industrial revolution as those entrepreneurs who revolutionized English industry after 1780'.[68] Researching in the early nineteen-forties, both Hartwell and Butlin were able to peruse the newly-discovered Derwent Bank letterbooks and the output of both men focused on financial affairs. Butlin's 1943 article on the management of the bank was incorporated into his major work, published 1968.[69]

These economic studies helped pave the way for the first biography of an Australian merchant by Margaret Steven in 1965, another seminal publication.[70] *Merchant Campbell* charts the process through which foreign merchants moved from the well-established trading centres like London – or Calcutta in the case of Australia's first acknowledged merchant Robert Campbell (1769−1846) – and gradually became embedded in the culture

[65] *Ibid*, p 123.
[66] *Ibid*, pp 1, 64-68.
[67] Hartwell, *Economic Development*, p 5.
[68] *Ibid,* p 4.
[69] SJ Butlin, *Foundations of the Australian Monetary System 1788-1851,* (Melbourne, 1968).
[70] M Steven, *Merchant Campbell 1769-1846: a study in colonial trade*, (Melbourne, 1965).

of the colony to which they were trading.[71] Steven shows how Campbell originally traded to New South Wales from Calcutta in 1798 provisionally under the aegis of the 'formidable' East India Company's monopoly, then gradually developed his private market and supply sources in Sydney while the colony was under government control. Campbell did this during the period the British Government was grudgingly abolishing the navigation laws and enabling its colonies to develop their own commercial policies, demonstrating how acutely merchants were monitoring the implications of political changes in London. He became active in New South Wales society and extended his activities to banking, pastoralism, philanthropy and politics, a progression common to Van Diemen's Land's pioneer merchants. As claimed by Steven, Campbell's career is largely the story of the first fifty years of Australian mercantile life.

Other Australian works that together form a broad mosaic of commercial and political activity, as well as points for comparison, include Patricia Brown's study of the merchants who built lasting wealth and status in the Western Australian port town of Fremantle, Marion Diamond's biography of entrepreneur Benjamin Boyd (1801−1851), Frank Broeze's analysis of the contribution of leading London merchant Robert Brooks (1790−1882), and more recently, Janette Holcomb's study of early merchant families of Sydney. A brief synthesis follows.

Brown shows how the 'merchant princes' of Fremantle built lasting wealth and status in the period 1870−1900.[72] Their efforts, enterprise, contribution to physical and social development, and consequent success lay at the heart of the theory of successful colonisation. They were self-made men and, as Brown states, 'the first thing required of a self-made man is that he should amass a fortune'.[73] However, economic circumstances in Western Australia during Brown's timeframe show a different evolution to that of Van Diemen's Land. The making of a fortune was one thing – keeping it through the island colony's booms and busts of the mid decades of the nineteenth century was quite another.

[71] *Ibid*, p 145. Robert Campbell was one of the first merchants trading to Van Diemen's Land and had ships whaling in the Derwent and sealing in the Bass Strait Islands in 1806.
[72] PM Brown, *The Merchant Princes of Fremantle – the Rise and Decline of a Colonial Elite 1870-1900*, (Nedlands, WA, 1996), pp 1, 47.
[73] *Ibid*, p 47.

Diamond's biography of entrepreneur Benjamin Boyd (1801−1851) provokes the question of what tips a man from being an ambitious entrepreneur to becoming a swindler or rake.[74] Both Boyd and Swanston loomed larger than life, were full of grand plans and were casualties of difficult economic times. According to Diamond, Boyd had great charisma and personality and was sought after in society, but was known to his contemporaries as 'half successful businessman, half scoundrel'.[75] Swanston, on the other hand, was widely respected until the failure of the Derwent Bank as an honest, industrious man and his downfall shocked many of his contemporaries. Although tarnished, Ben Boyd's name has always attracted fascination in New South Wales. He is remembered on the Monaro for his huge land holdings, where he ran large numbers of sheep and cattle, as well as at today's tourist attraction of Twofold Bay, where he built his port and whaling station.[76] By contrast, relatively few people today know anything of the man whose name has been given to Melbourne's principal street.[77]

Broeze's biography of merchant Robert Brooks (1790−1882), who ran a shipping service to the Australian colonies, illustrates the weight Brooks' large trading house placed on commercial intelligence and trust in business dealings over long distances of time and space.[78] Broeze's monograph provides glimpses of pioneer merchants such as Ranulph Dacre, Robert Campbell Junior, and Robert Towns in Sydney, and John Bisdee, Thomas Reibey and Thomas Daniel Chapman in Van Diemen's Land. Chapman's efficiency in organising and loading a cargo allowed Brooks to deploy the *Rattler* in a series of consecutive shuttle voyages between London and Australia over several years so that the *Rattler* became known as a 'regular trader' and Chapman gained his good reputation.[79] Until the late 1840s, the Australian trade knew only a very small number of regular traders.

Holcomb's 2014 study of early merchant families of Sydney discusses the prerequisites for a mercantile life and chronicles the vicissitudes of some leading families. She emphasises the merchants' reliance on private sources of capital to finance their operations, dependence on

[74] M Diamond, *The Sea Horse and the Wanderer: Ben Boyd in Australia*, (Melbourne, 1988).
[75] *Ibid*, p 2.
[76] HP Wellings, *Benjamin Boyd in Australia*, (Sydney, nd), pp 1 & 8.
[77] AGL Shaw, *A History of the Port Phillip District Victoria Before Separation*, (Melbourne, 1966), p 41.
[78] F Broeze, *Mr Brooks and the Australian trade: Imperial Business in the Nineteenth Century*, (Melbourne, 1993).
[79] *Ibid*, p 154.

trusted family members, the impact of time and distance from markets in moving merchandise and in completing transactions, and the tendency for prominent merchants to be appointed to the colonial legislature.[80] Although not explicit, Holcomb's study helps to understand the cross-fertilisation of ideas and the exchange of commercial intelligence that occurred between Sydney and Hobart Town. Limited credit and the 1840s depression had similar consequences for the mercantile sectors in both centres. Holcomb says in the absence of tight external regulation, Sydney bank managers colluded with their directors in advancing them funds on insufficient security. She cites Alexander Brodie Spark as one who, despite his thorough mercantile training, sociability and public activities as director of multiple public banking and insurance institutions, compromised his business reputation and credit.[81] Spark's misadventure has parallels with Swanston's.

New South Wales was not necessarily the springboard of colonists' restiveness. Holcomb records how anger mounted when the NSW Legislative Council appropriated a portion of land sale revenue for the police. Sydney merchant Thomas Walker presented a petition to MLC Richard Jones (another prominent merchant) demanding that colonists should not have to pay for costs associated with the custody and control of convicts, signed by seven hundred and fifty citizens 'of rank, wealth and intelligence'. They advocated that land-sale revenue should be put towards bringing in industrious immigrants.[82] Swanston, backed by three fellow councillors, had protested on similar grounds in the Van Diemen's Land's Legislative Council two years earlier.[83]

Turning to the Tasmanian historiography, the social and political conditions of the period are highlighted in three similarly-named works by leading historians of their different eras,

[80] J Holcomb, *Early Merchant Families of Sydney: Speculation and Risk Management on the Fringes of Empire*, (London/New York, 2014).
[81] *Ibid*, p 254. Holcomb notes that as early as November 1837, AB Spark was anxious about the pecuniary concerns of NSW, confiding to his diary '... A general suspicion prevails, and no man thinks his neighbour safe.' Spark's own problems occurred despite the valuable insider information available to him as a member of the Chamber of Commerce, director of several banks, insurance and other companies, confidante of pastoralists, business men, agency for numerous British and foreign merchant houses and an assessor for the NSW Supreme Court.
[82] Holcomb, *Early Merchant Families*, p 156.
[83] *Hobart Town Courier*, 18 October 1833, p 3.

John West, Lloyd Robson and Henry Reynolds.[84] These are broad in scope, but all three stop short of examining the mercantile sector as an entity in itself or devoting much attention to the merchants' contribution and legacy. Swanston's career as Member of the Legislative Council has minimal exposure in Craig Joel's 2011 account of Franklin's suspension of Colonel Secretary, John Montagu, in the context of Swanston being a friend and defender of Montagu.

A handful of studies portray some well-known merchants going about their business of trade, generally remembered as more successful than Swanston. Featured through the prism of family or religious histories these include, for example, Sir Hudson Fysh's biography of his grandfather, Launceston merchant and internationally-known congregational preacher Henry Reed (1806−1880); Mary McKinlay's account of the life of builder, storekeeper and timber merchant George Stokell (1788−1874); Eleanor Finlay's study of convict-turned-timber merchant Robert Logan (1808−1882) and Alison Alexander's thesis on merchant, philanthropist and non-conformist Henry Hopkins (1787−1870) and his son-in-law Congregational minister and educationist George Clark (1823−1913).[85] These were men of Swanston's time and place, people with whom he would have socialised, competed and cooperated. Swanston's contribution to Van Diemen's Land's economic development equalled, if not exceeded, that of these worthies. What these studies tend to confirm is that Swanston's final failure overshadowed the innovation and skill he brought to the colony and which led to relative oblivion. Had he died a wealthy man, his life achievements would have been better remembered and his shortcomings viewed from a different perspective.

The story of Swanston runs deeper than most accounts of commercial pioneers. It reaches right to the centre of authority and power in an embryonic colony. It depicts grandiose and glowing achievements, but also provides a window for historians to confront failure and

[84] J West, *History of Tasmania*, (Launceston, 1852); Lloyd Robson, *A History of Tasmania* including Vol 1 *Van Diemen's Land from the Earliest Times to 1855,* (Melbourne, 1983) and Vol 2 *Colony and State from 1856 to the 1980s,* (Melbourne, 1991); and H Reynolds, *A History of Tasmania* (Cambridge, 2012).

[85] H Fysh, *Henry Reed: Van Diemen's Land Pioneer by his grandson Hudson Fysh*, (Hobart, 1973); M McKinlay, *Forgotten Tasmanians: including George Stokell (1787-1874) (entrepreneur, merchant and farmer*) *and Sir John Stokell Dodds (1848-1914) (Attorney-General, Treasurer, Chief Justice, Chancellor of the University, and Lieutenant-Governor),* (Launceston c2010); EM Finlay, 'Making good in Van Diemen's Land: Robert Logan, convict and merchant', unpublished MHum thesis, University of Tasmania, 1992; A Alexander, 'Henry Hopkins and George Clark: two Tasmanian Nonconformists', unpublished MA thesis, University of Tasmania, 1983.

painful realities such as broken dreams, thwarted ambition, mental stress and exhaustion, the break-up of families and sheer desperation. Too often such issues are overlooked.

As mentioned earlier in this introduction, the historiography uncovered a problem that nagged through most of the research phase, a type that biographers often confront. This concerned the conventional wisdom that had grown up from a single source, Hudspeth's talk to the Royal Society of Tasmania, and its unfair and inaccurate claims. Hudspeth prepared his talk one hundred years after Swanston's death. To the present date, it is the only biography on the public record apart from the 1967 entry in the *Australian Dictionary of Biography* which it appears to have informed.[86] So this meant that there was a greater urgency to return to primary sources and to examine histories written before Hudspeth's account. These secondary sources, supported by revelations from the *Derwent Bank Papers,* were particularly useful for Chapter 6 'Iramoo and Swanston's Lost Sheep' which draws on the accounts of colonial historians such as John Bonwick (published 1867), Alexander Sutherland (1888) and HG Turner (1904).[87] Swanston's name had been so deeply buried that newspaper features in 1934-35 marking the one hundredth anniversary of Victoria's founding did no more than identify Swanston as one of the members of the Port Phillip Association. One lengthy historical article even called him 'a *sea captain* and member of Governor's Arthur's council.'[88] Since Hudspeth's talk, the only modern author that has appreciated Swanston's role in the development of Port Phillip has been James Boyce who simply writes in his history of the settlement of Victoria that 'Swanston's role as lead financier was as important as Batman's on-the-ground actions'.[89]

Organisation of the thesis

Swanston's influence and life story are examined within eight chapters, a conclusion and two appendices. The chapters are:

[86] C Swanston, 'Swanston, Charles (1789–1850)', *ADB,* Vol 2, (Melbourne, 1967), p 500. The entry was written by one of Swanston's great-grandson's, Dr Charles Swanston of New Zealand.
[87] J Bonwick, *John Batman the Founder of Victoria*, (Melbourne, 1867); A Sutherland, *Victoria and its Metropolis,* (Melbourne, 1888); HG Turner, *A History of the Colony of Victoria*, *Vol 1, 1791-1854*, (Melbourne, 1904).
[88] *Australasian*, 18 October 1934, p 17. Italics are author's.
[89] J Boyce, *1835: The Founding of Melbourne and the Conquest of Australia*, (Melbourne, 2013), p 53. Earlier historians Turner and Sutherland acknowledged Swanston's involvement in the Port Phillip Association and queried the veracity of the letter over Batman's signature to Lieutenant-Governor Arthur, but apparently were unaware of Swanston's behind-the-scenes role.

Chapter 1: Tentacles of Empire provides clues to the formation of Swanston's character during his childhood in Berwick-upon-Tweed, Northumberland, and his youth in the service of the army of the Honourable East India Company. It looks at the example set by his illustrious uncle, Anthony Lambert, a merchant in Calcutta, and at the useful connections he made in marrying his young wife, Georgiana, in Madras in 1821. The account of Swanston's heroic military service helps explain why he found favour with Arthur when he first visited Van Diemen's Land on leave in 1829, opening the way for inducements that brought him back to settle permanently in October 1831.

Chapter 2: 'The most talented and accomplished financier of our day' follows Swanston's banking and financial affairs chronologically to provide new insight as to how Swanston's achievements, trials and disappointments affected his personality, his mental health and the viability of his family. Informed by letters from settlers, and Butlin and Hartwell's economic analyses, this chapter also provides an insight into the lives of the island's pioneers as they weathered the 1840s depression, a depression which was more devastating to individuals and the Van Diemen's Land economy than is generally appreciated.

Chapter 3: Politics in the Legislature is a pivotal chapter. It analyses Swanston's influence and attributes as member of the Van Diemen's Land Legislative Council throughout its most turbulent years. Swanston worked conscientiously within the governance structure imposed by the Home Government. This chapter considers Swanston's role in the walk-out of half the members of the Legislative Council in October 1845 leaving the Lieutenant-Governor without a quorum and without an Appropriation Act. It raises the issue of a deeper malaise in the colony.

Chapter 4: A fracturing of Power concentrates on an extraordinary episode during Franklin's administration – Sir John's controversial suspension of his Colonial Secretary, Captain John Montagu, in January 1842. Swanston's role in the controversy was to defend his friend Montagu and this action ultimately cost him his privileged place in Government House circles. It is argued that from this episode onwards a spirit of dissension took hold in Van Diemen's Land, justified and led by some of the colony's elite and exacerbated by the 1840s depression that gave vent to the fervent demand for representative government.

Chapter 5: In Trade, an Influential Name 'far and wide' analyses Swanston's skills set and illustrates that being a successful global merchant lay at the heart of his ambition. Swanston owned property, had ready access to finance, held accounts with some of the world's largest trading houses and received favours and commercial intelligence from a wide international network, including leading merchant shipowners and sea captains. This chapter also sketches his activities as an import/export agent. No conflict of interest was perceived in his multiple activities as banker, merchant and agent.

Chapter 6: Iramoo and Swanston's Lost Sheep explains Swanston's role in the settlement of Port Phillip. It proves that, as well as being an instigator and financier of the Geelong and Dutigalla Association (subsequently known as the Port Phillip Association) that backed John Batman's exploration – a point generally agreed – Swanston was the chief strategist in seeking title to the 'new country'. Swanston was the brains behind the formation of the Derwent Company to invest this money in properties in the valuable western wool-growing districts. And, contrary to the claims of Scottish overseer, David Fisher, Swanston's sheep were the first sent to the pasturelands across the straits.[90] Swanston's dealings with the shepherds on his payroll are of specific interest to the history of pastoralism in Victoria.

Chapter 7: 'A Taste and Spirit of Refinement' focuses on Swanston's standing in a society where a man's status was based on his estate and his style. It itemises Swanston's contribution to the cultural life of Van Diemen's Land and documents for the first time the productive association of Swanston and architect James Blackburn, one of the most original designers Australia has seen.[91]

Chapter 8: Confronting the Lingering Aspersions chronicles Swanston's nadir and final fling. Comparison is made between the experiences of Swanston and several other significant commercial men of his time and place. Why were there more detractors after his death than during the entire span of his colourful career? Was the criticism levelled at him, including the aspersions of an anonymous writer to the editor of the *Colonial Times* in 1850, justified?

[90] D Fisher to LaTrobe, 21 September 1853, *Letters from Victorian Pioneers*, ed. TF Bride, (Melbourne, 1898) pp 11-12. Fisher writes that *he* was induced to send (apparently the same) sheep to Port Phillip by flattering accounts of fine grazing land.
[91] M Lewis, 'Architecture from Colonial Origins', *The Heritage of Australia*, (Melbourne, 1981) p 71.

With no obituary on Swanston, or close friends in Van Diemen's Land able to defend him, this letter remained the last word on the record for one hundred years.

Chapter 9: Conclusion The main conclusions are that the collapse of the Derwent Bank was almost inevitable in the complex economic circumstances of the 1840s in Van Diemen's Land. Bank failures were relatively common in an unregulated climate. Swanston had been trusted and had held an exulted position for so long that the bank's failure sent shockwaves through the colony. The status, reputation and omnipotence of Swanston added an additional dimension to the collapse. Another significant conclusion is that what some perceived as Swanston's disloyalty to colonial governors in the campaign for political representation was regarded by him and his friend Anstey as being simply 'true to our just cause'.[92] Reference is made to the strengths and weaknesses of the methodology used for the thesis.

[92] Anstey to Swanston, 9 June 1847, Box 24/10, *Derwent Bank Papers*, TAHO.

CHAPTER 1: TENTACLES OF EMPIRE

> The frontiers of mankind do not only lie where the land is empty; they are to be found wherever there are men of enterprise. The frontier of enterprise is as real as the geographical frontier.[1]

Merchant Statesman Captain Charles Swanston (1789−1850) was a complex, enigmatic and powerful Van Diemen's Land pioneer. His character was well-formed when, at the age of nearly forty, he first ventured to Hobart Town. Banker, legislator, merchant, import-export agent and wool-grower were all occupations he could have claimed, yet in his final Will and Testament he adhered to the descriptor 'a Captain in the service of the Honourable the East India Company at present on the retired list'.[2] It seems that he felt the major achievements of his lifetime were behind him, in India, rather than in Van Diemen's Land where he had invested intellect and energy and committed his family's future. A tracing of Swanston's youth shows that indeed he had an extraordinarily adventurous early career in India. It was there he developed his superior strategic and financial ability, his talents were recognised, and he became member of a prominent network of civil servants and commercial men – men who subsequently underpinned many of his Van Diemen's Land enterprises.

When Swanston set foot in Hobart Town in June 1829, Van Diemen's Land was a tiny outpost of the British Empire governed as a penal colony, as far removed from the financial hub of the City of London as it was possible to be. The remarkable feature of Swanston's new life was the rapidity with which he rose to power and status in his fresh environment and how judiciously he used that power, at least until his final years. After settling permanently in 1831 Swanston became Managing Director of the renowned Derwent Bank (a joint stock company) for seventeen years and a Member of the Legislative Council where he held office over sixteen years. He was a leader of the Port Phillip Association which instigated the settlement of Melbourne, President of the Hobart Town Horticultural Society, Treasurer and a Vice-President of the Royal Society of Van Diemen's Land from its inception until his departure from the colony, director of several private companies, an import-export agent, Warden of St John's Church New Town, a guardian of the Orphans' Schools, member

[1] RM Hartwell, *The Economic Development of Van Diemen's Land 1820-1850*, (Melbourne, 1954), p 4.
[2] Will No 418, *Tasmanian Names Index*, TAHO.

of the Board of Education and the Mechanics Institute and active in many civic organisations. In public life he exhibited a constant commitment to civil liberties, the cessation of transportation, colonial self-sufficiency, the legislative process and government efficiency. He maintained a wide circle of friends and business associates in Van Diemen's Land and overseas and, with his wife, Georgiana, raised nine children. As a man of business, a powerful banker and an agent dealing in wool and other commodities, Swanston held the power to make or break other settlers trying to establish themselves in their new life in the antipodes. His power and influence in Van Diemen's Land were recognised by all around him. In 1845 former Lieutenant-Governor Sir John Franklin wrote that 'The people of Van Diemen's Land are well aware that for years the Derwent Bank has held half the colony in its thraldom'.[3] Franklin was referring to the power Swanston wielded as bank manager in holding mortgages over so many properties. Control of money equalled power, and Swanston's influence penetrated the heart of public affairs. In 1841 one newspaper called him 'the paramount authority in the public affairs of this Colony'.[4] After Swanston resigned from the Legislative Council in August 1848 and the Derwent Bank spectacularly crashed in September 1849, another newspaper claimed that:

> …for ten years, the fallen manager of the Derwent Bank exercised a greater influence over the public affairs and interests of the people of Van Diemen's Land than did any recognised British or Colonial authority.[5]

This chapter outlines what is known of Swanston's early life in an attempt to discover his characteristics and what motivated him.

Men of Empire

Swanston's arrival in Van Diemen's Land came at a confluence of significant events in the colony and in India. In 1829, according to chronicler Henry Melville, the southern colony was at its most prosperous.[6] Land grants, cheap labour and the developing wool industry offered enticing prospects. In India, where Swanston was an officer in the Madras Army of the

[3] J Franklin, *Narrative of Some Passages in the History of Van Diemen's Land*, Facsimile Reproduction, (Hobart, 1967), p 8.
[4] *True Colonist Van Diemen's Land*, 5 February 1841, p 2.
[5] *Colonial Times*, 20 August 1850, p 4.
[6] H Melville, *The History of Van Diemen's Land: from the year 1824 to 1835, inclusive during the administration of Lieutenant-Governor George Arthur,* ed. George Mackaness, (Sydney, 1959), p 7. Melville wrote: 'the year 1829 may be considered as one of the most prosperous the Colonists have ever yet enjoyed: with the exception of the continued war with the blacks, there was nothing to disturb the tranquillity of the Colony.'

Honourable East India Company, that enterprise was suffering from expensive wars and profound changes in its status both in London and in India. With a widespread reduction of the army and prospects of promotion dampened, a number of officers were faced with leaving the company without receiving their anticipated level of pension. Realising they could not maintain back in England the many servants, privileges and the style of life they had enjoyed in India, many were attracted by favourable reports of the new Australian colonies.

The officers who arrived in Van Diemen's Land from India in the 1820s had served the company near the zenith of its power. Their own spirit of enterprise and adventure, as well as their expectations, was shaped by their experience of its enormous wealth and power. Historian Hew Bowen explains that by 1818 the East India Company had secured direct or indirect control over much of India and a company 'state' had emerged.[7] Bowen quotes political economist Patrick Colquhoun as saying that in 1815 the company possessed nearly seventy million acres of cultivated land containing a population of around forty million, representing sixty-five per cent of all the people living under the protection of the British Empire. The company and the Bank of England were acknowledged as the two 'most powerful engines of the state'.[8] Bowen quotes the Member of Parliament for Yarmouth 1806−7, Thomas Plummer, claiming that a large portion of the English community was directly or indirectly interested in the prosperity of the East India Company.[9] An ever-widening circle of people in Britain had been brought into economic contact with the company since 1756. Investors and employees gained income from the company's military and commercial expansion in Asia. Merchants, contractors, and ship owners who supplied the company in Britain derived considerable benefit from the growth of trade and empire, and knock-on effects were felt by manufacturers, shipbuilders, shopkeepers, artisans, farmers, and labourers in different parts of the country. People all over Britain became participants in the process of commercial and imperial expansion whether or not they went

[7] HV Bowen, *The Business of Empire: the East India Company and Imperial Britain 1756-1833*, (Cambridge, 2006), pp 1-5.
[8] Company Chairman Jacob Bosanquet quoted in Bowen, *The Business of Empire*, pp 30-31.
[9] Thomas Plummer, quoted in Bowen, *The Business of Empire*, pp 260-261.

abroad.[10] The eager young Englishmen carving out careers in India assuredly would have had a sense of participating in a great empire-building enterprise.

Among the men who emigrated to Van Diemen's Land instead of returning to England at the end of their service in India were Captain Edward Dumaresq (1802−1906), Captain Thomas Betts (?−1834), Captain Patrick Wood (1783−1846) and 'the fighting Fentons'− relatives Captains Michael (1789−1874), John and Thomas Fenton.[11] Other men with East India Company connections were William Henry Hamilton (1790−1870), a former naval officer in India and a partner in a mercantile house at Bombay before coming to Van Diemen's Land in 1824, and Thomas Learmonth (1783−1869), a merchant in Bombay before his emigration in 1835.[12] George Frankland (1800−1838) had served as surveyor-general in Poona, India, in the 1820s before taking the appointment as first assistant surveyor of Van Diemen's Land in 1826 and subsequently becoming surveyor-general.[13]

Origins in the Scottish Borders

Born in 1789 at Berwick-upon-Tweed, Northumberland, Swanston was the second son of Robert Swanston and Rebecca (nee Lambert).[14] His father was a farmer in New Farm, within the bounds of Berwick, on the bank of the River Tweed on the English side of the border. Nothing is known of Robert Swanston's origins, although the surname has strong links to the region of the Scottish Borders. Robert and Rebecca had their five children baptised in a Church of Scotland, the parish church at Mordington, a village just within Scotland where Rebecca's parents, Johnston and Margaret Lambert, lived. Throughout his life Swanston had an affinity with Scottish people, as friends, business associates and employees. Among significant commercial contacts were lowland Scots, William Jardine and James Matheson,

[10] Bowen, *The Business of Empire*, pp 3-6.
[11] These men were prominent in Van Diemen's Land and several have entries in the *Australian Dictionary of Biography, (*hereafter *ABD),* for example, R Page, 'Dumaresq, Edward (1802−1906), *ADB*, Vol 1, (Melbourne, 1966) p 332; J Eastwood, 'Wood, John Dennistoun (1829−1914)', *ADB*, Vol 6, (Melbourne, 1976), p 433; LL Robson, 'Fenton, Michael (1789−1874)', *ABD*, Vol 1, (Melbourne, 1966), p 371. The other Fentons mentioned in Robson's *ADB* entry were cousins, not brothers. No biographical information is on the public record about Betts.
[12] PR Eldershaw, 'Hamilton, William Henry (1790−1870)' *ADB,* Vol 1, (Melbourne, 1966), p 507; PL Brown, 'Learmonth, Thomas (1818−1903) *ADB,* Vol 2, (Melbourne, 1967), p 100. Thomas Learmonth senior is featured in the same entry.
[13] PR Eldershaw, 'Frankland, George (1800−1838)', *ADB*, Vol 1, (Melbourne, 1967), p 410.
[14] Baptism records at Mordington, Scotland, show Charles Swanston was baptised 11 December 1789, son of Robert Swanston, farmer in New Farm, and his spouse, Rebecca, *Berwick Record Office*, by email 19 October 2013.

of the phenomenal Far Eastern trading company, Jardine Matheson & Co in Canton (Guangzhou), and George Mercer, of Edinburgh, who financed many enterprises in Van Diemen's Land and Port Phillip. Swanston favoured Scots as overseers and shepherds for properties he owned, or managed for overseas clients, in both colonies. His Scottish connections must have been evident because occasionally fellow settlers identified him as a Scot. His friend and colleague in the Van Diemen's Land Legislative Council Thomas Anstey recorded one particular instance:

> My friend Sandy Reid of Ratho will have it that you are a Scotchman – and he throws his cap up in the air, and shouts "Auld Reekie forever!" because you led the minority in the Lewis matter on the 18th May. I have dampened his ardour by assuring him that you were born on the English side of the Border! Faith, the feeling is uncommonly strong throughout the Colony against the Majority on that occasion. But whether you are our countryman or not, we English must admit that the Scots of our day take the vanguard and lead us whenever anything sound, and good, and liberal is to be achieved. I dare not tell my honest friend Reid so, for fear of inflating him with too much pride![15]

On Swanston's mother's side, Charles was a nephew of the prominent Bengal merchant, Anthony Lambert (1758−1800), a cadet with the East India Company before setting up as a merchant in Calcutta and making a fortune, mainly from the opium trade.[16] One of Anthony Lambert's partnerships, Lambert, Ross and Biddulph, became the first merchant house to send goods to the half-starved fledgling settlement of Sydney.[17]

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[15] T Anstey to Swanston, 2 June 1836, Box 32/9, *Derwent Bank Papers*, Tasmanian Archive and Heritage Office (hereafter TAHO). On this occasion Swanston opposed money being paid out of the public purse as compensation for the controversial conviction imposed by Judge Algernon Montagu in the Lewis Case of 1835-36. PL Brown writes of Alexander Reid, of 'Ratho', that he was one of the solid pioneering Scots who helped shape a community and open the way for the squatting expansion of the 1830s that brought the Clyde Company into being, PL Brown, *Clyde Company Papers, Prologue*, 1821−1835, (Melbourne, 1941), p 5. Margaret Steven in her biography of Australia's first merchant, Robert Campbell, defines Scottish traits as flexibility, dependability and toughness, *Merchant Campbell 1769−1846: a study in colonial trade*, (Melbourne, 1965).The Scots in Swanston's commercial network in Van Diemen's Land exhibiting such attributes included Charles McLachlan, Walter Angus Bethune, James Grant, Robert Kerr, John Bogle and Alexander McNaughtan.

[16] *Asiatic Annual Register*, 1798−9, pp 77-78. Although the register is dated 1798−9, it reported Lambert's death at Portland Place, London, on 17 January, 1800.The article described Anthony Lambert as an enlightened and honourable merchant and claimed he pursued his business with 'an ardent spirit' and 'an impeachable integrity'. Lambert's work 'On the Maritime Commerce of Bengal' was printed in the *Asiatic Annual Register* in 1803.The eminent orientalist, Henry Thomas Colebrooke, used Lambert's original treatise of c1794 for his own book *Remarks on the husbandry and internal commerce of Bengal*, (Calcutta, 1804), noting in the preface that the work had been 'chiefly written by a gentleman now deceased' although he did not name Lambert.

[17] When the *Guardian*, the first supply ship anticipated in Sydney, was lost off the Cape of Good Hope, Lambert, Ross & Bidduph took the initiative to offer a cargo of supplies to the settlement, pointing out that this would be cheaper than sending supplies from England. Thus began trade from India and the use of ships

The Lambert family had a tradition of service with the East India Company. The names of sons over generations named either 'Anthony' or 'Charles' are found in the company's records. Swanston's next younger brother, Anthony Lambert Swanston (1791−1828) followed him into the East India Company Army and also obtained the rank of captain before dying at Barrackpore.[18] Two of Swanston's own sons, William Oliver Swanston (1826−1908), and Nowell Swanston (1833−c1912) both rose to senior ranks in the Indian Army.[19]

Little is known of Swanston's childhood, apart from the facts that Robert and Rebecca's five children were all two years apart – James baptised in 1787, and then Charles, Anthony Lambert (Swanston), Jean and Robert and that Charles was the only one of the siblings to survive beyond his twenties.[20] There is evidence that the family may have lacked paternal support as Rebecca was living alone in 1806 and her brother, Anthony Lambert, on leaving her £1,000 in his Will, had requested that the bequest was not to be put at the disposal of her husband and specifically appointed two trustees to act for her benefit.[21]

licensed by the East India Company as convict transports, M Steven, 'Eastern trade', in J Broadbent, S Rickard & M Steven, *India, China, Australia: Trade and Society 1788−1850*, (NSW, 2003), p 33.

[18] *Alphabetical List of Officers of the Bengal Army*, ed. Messrs Dodwell & Miles, (London, 1838), p 242. Another of Charles' younger brothers, Captain Robert Swanston (1795−1821), died on the ship *Mentor* in Batavia on 15 April 1821, which may have been engaged in the Indian trade. *Berwick Advertiser*, 15 December 1821, np.

[19] *London Gazette*, 1 March 1878, p 1769; *London Gazette*, 7 February 1911, p 958.

[20] *Berwick Record Office*, by email 19 October 2013.

[21] A Directory and Concise History of Berwick-upon-Tweed, (Lochhead, Berwick-upon-Tweed, 1806), p 161, http://rgcairns.orpheusweb.co.uk/Berwick%20Directory%201806%20GIFs/pp160%2C161.html accessed 27 October 2013; Lambert Family Papers per John Kenyon, *pers com* 28 October 2013. Rebecca died on 12 May 1845 at Tweedmouth and her own Will describes her as a widow, copy of Rebecca Swanston's Will, *Derwent Bank Papers*, Box 21/14, TAHO; Durham Probate Records pre 1858, Durham University http://reed.dur.ac.uk/xtf/view?docId=ead/dpr/dpr1-2-3.xml;query=, accessed 11 October 2013.

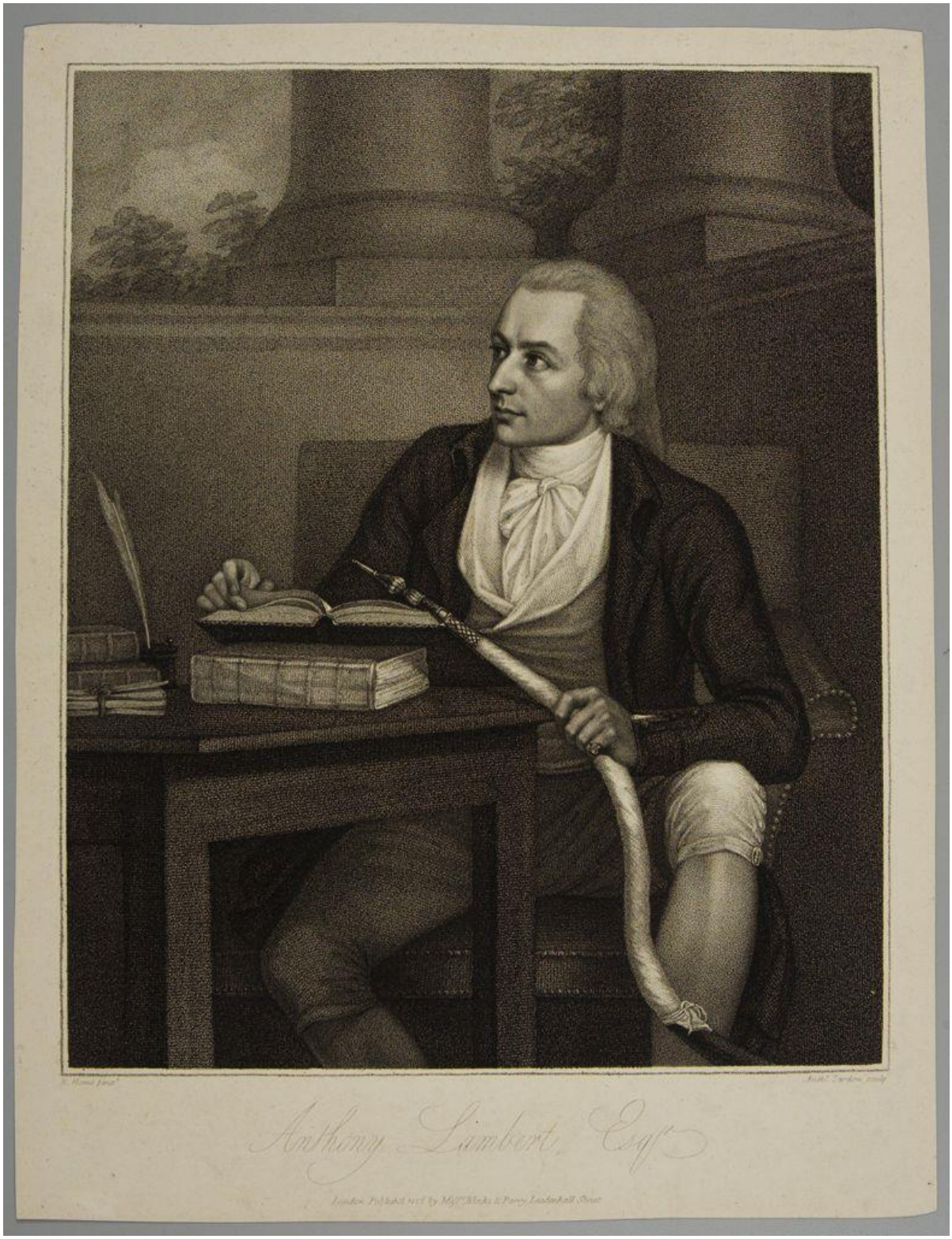

Image 2: Swanston's maternal uncle, prominent Bengal merchant, Anthony Lambert (1758-1800).
Artist: Antoine Cardon, after Robert Home. Courtesy Harvard Art Museums, Gift of Belinda L Randall from the collection of John Witt Randall, R7647.

Madras Army of the Hon East India Company

The East India Company was in ascendancy when Swanston joined as a cadet in 1805. He began army training at the Cadet Company at Tripassore and in 1806 was promoted to lieutenant and sent to the Military Institute at Fort St George, Madras.[22] At the Institute he observed the machinery and politics of the great East India Company enterprise and established a network of associates and enduring friends, many of whom he encouraged to invest in his later enterprises in Van Diemen's Land and Victoria.

After completing studies in surveying and engineering in November 1808, Swanston was ordered to Bombay and attached as a surveyor to General Malcolm's force proceeding to Persia.[23] On abandonment of the expedition against Persia, he joined the Madras Army in the field against the Rajah of Travancore. When the British took possession of Mauritius from the French in 1810, Swanston made a military survey of the island, including soundings of its harbours, bays and coasts. This he accomplished single-handedly and expertly in eighteen months and, as a consequence, in 1812 the Commander-in-Chief at the Isle of Mauritius, Major-General Henry Warde, ordered Swanston to London to lay his map in person before the Commander-in-Chief, His Royal Highness the Duke of York. As a reward, the Duke recommended him to the Court of Directors of the East India Company and offered Swanston a company in the Royal Staff Corps, which Swanston declined. The British government presented him with a purse of 500 guineas. From this date onwards, Swanston's military service reads as high adventure. In twenty-six years in India, he served in all three Presidencies, as well as in Mauritius, Persia and Arabia, the island of Bourbon, at sea and in various staff positions.[24] Three particular episodes drew attention.

One of the most exotic missions was between May and October 1814 when Swanston carried despatches overland from London to Bombay informing the Governor-General of India of the First Peace of Paris. Across Europe he was attached to the suite of the Envoy to

[22] C Swanston, *Statement of the Services of Captain Charles Swanston of the 2nd Battalion, 12th Regiment, Madras N.I., subsequently the 24th M.I.,* (London, 1891), pp 3, 28-29, TL.P 920. SWA, State Library of Tasmania. Although catalogued variously with Charles Swanston as author or by an anonymous author, this publication appears to have been compiled by Swanston's descendent LS Swanston of South Norwood who also transcribed Swanston's pencil-written journal of his expedition from Scutari-Baghdad-Bombay, *Rough Diary of a Journey from Scutari to Baghdad performed on horseback in 1814 by Lieutenant C Swanston*, (Uxbridge, 1893).
[23] *Statement of the Services,* pp 4, 28.
[24] *Ibid*, p 23.

the Court of Persia, then after crossing from Constantinople he rode *en courier* through Asia Minor and Persia.[25] Swanston's journal of the ride recounts tracing the footsteps of Alexander the Great, coming across Roman ruins and the camps of tribal herders, villages devastated by plague, scorching heat, fatigue and falling asleep in the saddle, concerns about bandits, being tormented by lice and, most extraordinary of all, joining a caravan of 4,000 merchants, 5,000 camels, and 25,000 horses, asses, mules and bullocks across the bandit-ridden upper desert between Murden (Morden) and Baghdad.[26] The young man's apprehension is apparent in his journal entry on the eve of the expedition: 'Sitting in the Caravanserai I began considering the long journey I was about to undertake. Sickness might overtake me, I became melancholy. I then whistled a tune, took another pipe.'[27] Swanston was in the saddle for most of the 48 days. On reaching Baghdad he caught a boat to Bussorah, thence an East India Company vessel to Bombay. As well as safely delivering the despatches, an outcome of the epic journey was that Swanston assisted another member of the Madras force, Captain John Macdonald Kinneir, later knighted as a prominent explorer and map-maker, to produce a map of Asia Minor.[28]

In the year 1816 Lieutenant Swanston received two swords of honour in recognition of military escort duty. The first was from the Lord Bishop of Calcutta, Dr Thomas Middleton, for accompanying him on his tour of the Madras territories, and the second was from the Governor-General of the French settlements of India, Comte Du Puy, whom Swanston received at Madras and conducted to Pondicherry when that settlement was restored to French authority.[29]

Swanston's gallantry with the 12th Regiment Madras Native Infantry was drawn twice to the attention of the Honourable Court of Directors. The first incident was the defence of Corygaum (Koregaon), near Poona, in the Deccan in 1817–8, led by Brigadier-General Lionel Smith. In mid-November Lieutenant Swanston's horse formed part of the detachment

[25] The envoy was Henry Ellis, Esq.
[26] Swanston, *Rough diary of a journey.* Swanston's journal reveals that he left Scutari with his Tartar guide, Mahomed Aga, on 3 July and arrived at Baghdad on 21 August. He then travelled by boat and steam via Bussorah to Bombay, arriving on 10 October. The number of people and livestock in the caravan seem excessive, but perhaps estimations were difficult in the mirages and windstorms of the desert.
[27] Swanston, *Rough diary of a journey.*
[28] J Macdonald Kinneir, *Journey Through Asia Minor, Armenia and Koordistan in the years 1813 and 1814: with remarks on the marches of Alexander, and Retreat of the Ten Thousand,* (London, 1818), p xii. Swanston named a twin son Macdonald Kinneir Swanston after the eminent explorer.
[29] *Statement of the Services*, pp 4 & 5.

despatched from General Smith's camp in pursuit of the Peishwa's guns, which were captured from under fire of the Fort of Singhur. For the rest of November and the whole of December the detachment was engaged in skirmishes, and the horses 'seldom unbridled, and never unsaddled'.[30] In one incident at the Neeru River, Swanston's horse was killed under him. In the famous battle of Corygaum on the first of January 1818, Swanston was second-in-command to Captain Francis French Staunton and his detachment of horse covered the flanks enabling the Guns and Infantry to enter the village.[31]Three divisions of enemy infantry, supported by 'immense bodies of horse' attacked Swanston's detachment. In the bloody battle the detachment was destroyed, and Swanston was severely injured twice and taken prisoner. Charles MacFarlane's respected history of British India claims that as the wounded men lay helpless, the 'wild Arabs' immediately began to slaughter them and to mutilate the bodies of the slain.[32] Almost exhausted, the three officers, Captain Staunton, Lieutenant Jones and Assistant Surgeon John Wylie, headed one more charge, recaptured their lost gun and slaughtered the Arabs in a heap. MacFarlane said the charge was 'absolutely desperate, for every man felt that there was nothing between him and victory except death'.[33] He elaborated 'every man of the Arabs who had penetrated the pagoda was bayoneted without mercy', but by nine at night the enemy had been driven from the village.[34] Wylie was the one who rescued and treated Swanston.[35] The gun shot injury to Swanston's left arm put him out of-action for several months and also earned him an inclusion on the roll of honour on the Bhima Koregaon Victory Pillar, still extant. Swanston received a missive from General Smith congratulating him on his gallant exertions, and one from the Commandant of the Poona Auxiliary Horse, Colonel J Cunningham, expressing his relief on Swanston's miraculous escape, saying 'For my part I confess that I never expected to see any of you again.'[36]

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[30] *Statement of the Services,* p 6.
[31] *Ibid.*
[32] C MacFarlane, *A History of British India from Earliest English Intercourse*, (London, 1881), p 417; J Conder, *The Modern Traveller,* Vol *3*, (London, 1830), p 21.
[33] *Ibid.*
[34] *Ibid.*
[35] Dr Wylie corresponded with Swanston in Van Diemen's Land, Box 21/7, *Derwent Bank Papers*, TAHO. Wylie was mentioned in despatches following the Battle of Corygaum and in August 1850 was awarded the Military Order of the Bath (CB) when the honour was first conferred on medical officers, http:livesonline.rcs.ac.uk/biogs/E003667b.htm, accessed 27 December 2013.
[36] *Statement of the Services*, pp 6-8.

Swanston's actions at Corygaum have gone down in the annals of the 17th Horse. He is remembered for adopting a unique method of recruiting to counter the strict regulations laid down for raising the regiment and equipping each man. A history of the Poona Horse Regimental Officers' Association claims:

> He [Swanston] early recognised that, if the raising instructions regarding the provisions of horse and horse trappings by the men themselves were too closely followed, a number of good men would be lost to the Poona Auxiliary Horse, owing to their inability to mount themselves. Therefore he borrowed the necessary money to purchase a certain number of horses and their equipment, and thus was in a position to recruit picked men.[37]

There is no mention about how the borrowed money was to be repaid, or if indeed it ever was, but the reference provides one of the first known examples of Swanston's expediency in borrowing for what he needed. In the custom of the times, any property or weapons seized during conflict, known as the Prize, were usually redistributed officially by the victors among their troops. In the case of the battles between November 1817 and January 1818 near Poona, a very large booty was obtained. In 1825 it was valued in excess of five million pounds sterling.[38] Contention about distribution of this plunder, which came to be called the 'Deccan Prize', continued for many years and was followed with interest throughout the empire.

The second incident of gallantry was the capture of the 'inveterate enemy of the British power' agitator Trimbuckjee Dainglia on whose head a rich reward was offered.[39] Commanding the second division of the Poona Auxiliary Horse and with stealth and deftness, Swanston secured Trimbuckjee on 29 June 1818. Swanston's own report of the deed to the Political Agent in Kandeish (Candeish) was to-the-point:

> I have the honour to inform you that immediately on receipt of your letter of yesterday's date, I marched from Maligaum upon Chandor leaving my baggage to follow me to that town. At Chandor I arrived at 7 o'clock pm, halted there an hour and a half to refresh my horses, and again moved forward to the village of

[37] Archive of the Poona Horse Regimental Officers' Association, http://web.archive.org/web/20040722123932/poonahorse.com/history.htm, accessed 28 October 2014.
[38] *Australian*, 7 July 1825, p 3. This report said the prize consisted of 'specie, jewels, guns, stores, grain &c'. Contemporary reports indicate it also included the Nassuck Diamond, (the now-famous Nassak Diamond), weighing 358 grams, 89½ carats, and 'of the finest water', *The Asiatic Journal and Monthly Register for British and Foreign India*, April 1821, p 378.
[39] British historian Charles Macfarlane described Trimbuckjee as 'a murderer, an extortioner, and a grossly perjured man', MacFarlane, *A History of British India*, p 435.

> Aheirgaum which place I reached at daylight this morning as I had moved on when within six miles of the village at a very quick pace, to prevent all intelligence of my approach arriving before myself, I was enabled to surround the village, force open the gates, and take possession of the house of Trimbuckjee Dainglia, before he or any other person in the place was aware of my approach. Trimbuckjee was at this moment lying on his cot, and had but time to fly to the upper part of the house, where he concealed himself among some straw. He was, however, soon discovered, and seized without the smallest resistance.[40]

The importance of the capture was widely recognised, but the reward apparently had been withdrawn.[41] A more recent monograph by Indian historian, Arvind M Deshpande, sheds another light on the incident of Trimbuckjee Dainglia, recounting how on Trimbuckjee's capture 'a large booty fell into the hands of Captain Swanston'.[42] Deshpande says the value of gold, silver and jewels was about 65,000 rupees and that the Political Agent in Candeish, Captain John Briggs, distributed it among the 800 rank and file under Swanston. When the army laid claim to the Prize, Briggs retorted: 'The seizure of Trimbuckjee Dainglia, a proscribed criminal, after the war with Baji Rao had ceased, appears to me purely an act of civil magistracy, and I am at a loss to conjecture upon what grounds the Prize Committee can forward its claim to the private property of such a person'.[43] Deshpande states that both Elphinstone and the Governor-General concurred with Briggs. Whether Swanston did personally benefit from this Prize is not known.

Suffering wounds and witnessing bloodshed hardly made army service a pleasant existence for Swanston. There were, no doubt, times for relaxation and enjoyment, but WH Hudspeth's allusion to Swanston's time in India – 'There he appears to have led the ordinary life of a young subaltern, hunting and shooting in his spare time, and enjoying the society of a wide circle of friends' – is misleading.[44]

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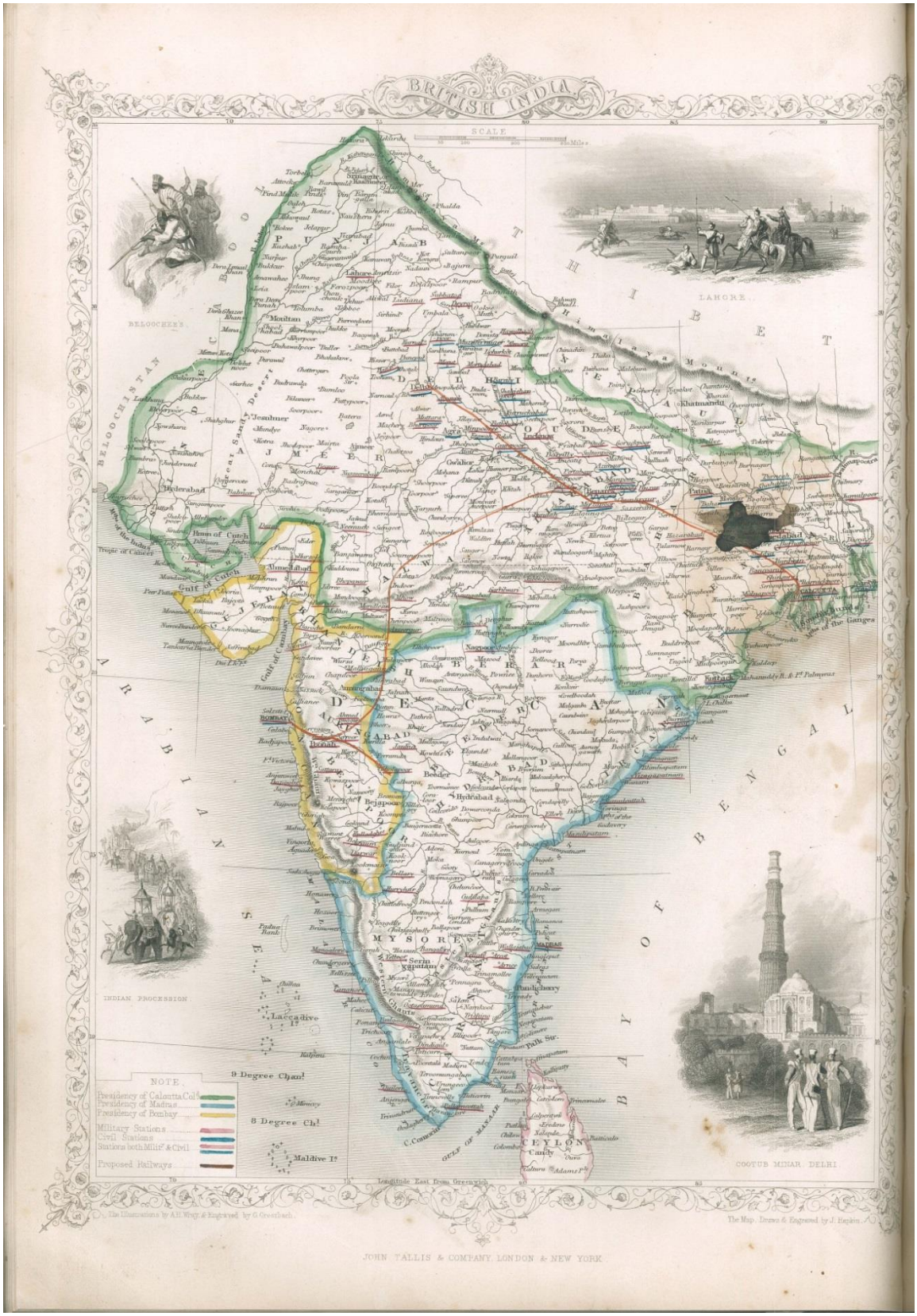
[40] 'Extract from the Report of Captain Swanston, enclosed in a letter from Mr Elphinstone to Mr Warden, dated July 4', *The Gentleman's Magazine* 1818, Vol 88, Part 2, p 552.
[41] *Statement of the Services,* pp 3-11.
[42] AM Deshpande, *John Briggs in Maharashtra*, (Delhi, 1987), pp 53, 61. Deshpande states that the gold ornaments of Trimbakji's (Trimbuckjee's) wives were held by Swanston 'to restore them back to them'.
[43] *Ibid.*
[44] WH Hudspeth, 'The Rise and Fall of Charles Swanston', *Papers and Proceedings of the Royal Society of Tasmania*, (Hobart, 1949), p 1.

On 1 January 1819, Swanston received the Brevet rank of captain and around this time he quit the field for a few months to recover his health. On re-joining his division in April, he was stationed in Southern Mahratta country, in the neighbourhood of Beejapoor.[45]

The political change sweeping India had career implications for many middle-ranking officers. Despite his military prowess, Swanston was not honoured and had difficulty procuring his next posting. This was possibly due to his association with General Sir Thomas Hislop, commanding officer in the third Anglo-Maratha War, who was excoriated for his heavy reprisals against the Maratha forces (allegedly killing a garrison of 300 men) and his handling of the 'Deccan Prize'.[46] Swanston's many mentors included Major-General Sir John Malcolm who told the Governor of Bombay, the Honourable M Elphinstone, that Swanston was the man, on both public and private grounds, that he was most solicitous to promote.[47] Malcolm also stressed to Briggs in Candeish: 'Swanston is too fine a fellow, and too sure of getting on to be played with like a shuttle-cock', but news came that the army was to be reduced.[48] Although considered a 'distinguished officer', Swanston's prospects diminished. He appears to have suffered a sense of injustice about these matters for the rest of his life.

Swanston's last military position in India was military paymaster in the provinces of Travencore and Tinnevelly, stationed at Quillon (an old seaport on the Arabian coast in Kerala, India). While there he wrote a scholarly memoir about the Syrian Christians of St Thomas, which was acknowledged by the East India Company's Court of Directors and published in the Journal of the *Royal Asiatic Society of Great Britain and Ireland.*[49]

[45] *Statement of the Services*, p 12.
[46] HM Chichester, 'Hislop, Sir Thomas, first baronet (1764–1843)', *Oxford Dictionary of National Biography*, online edition, October 2005, accessed 19 July 2016.
[47] J Malcolm to M Elphinstone, 16 February 1820, *Statement of the Services*, p 15.
[48] J Malcolm to J Briggs, 14 March 1820, *Statement of the Services*, p 16.
[49] C Swanston, 'A Memoir of the Primitive Church of Malayala, or of the Syrian Christians of the Apostle Thomas, from its first rise to the present time', *Journal of the Royal Asiatic Society of Great Britain and Ireland*, Vol 2, No 3, (Cambridge, 1835), pp 51-62.



Map 2: India in the mid-nineteenth century. Tallis's illustrated atlas, and modern history of the world, geographical, political, commercial and statistical, (London, 1851). Swanston served in Bengal, Madras and Bombay Presidencies, although he spent most time in Madras Presidency (in southern India, bordered in blue). Courtesy University of Tasmania Archives, Miller-Rare-Folio G 1019.M197 1851.

At St George's Church, Choultry Plain, Madras, on 26 February 1821, Swanston married Georgiana (1804-1867), the third daughter of prominent civil servant Robert Sherson, and his wife, Catherine, (nee Taylor).[50] In becoming Robert and Catherine's son-in-law, Swanston became part of an influential Anglo-Indian family long-established in the Madras Presidency. Robert, second son of Robert Sherson MD, of London, had ventured to India as a 'writer' with the East India Company.[51] Catherine – at the time of their marriage in June 1798 – was under the guardianship of her step-father, Benjamin Roebuck, a prominent civil servant.[52] A miniature portrait of Catherine in the Victoria and Albert Museum, London, shows her as a classic beauty.[53] Through her mother's line Georgiana was a fifth generation of British descent living in India.[54]

At seventeen, Georgiana was fourteen years Swanston's junior. By the time she was twenty-two, she had born the first five of their eight children, including twins, in India.[55] By October 1827 Swanston was considering leaving India. One of his senior officers, Sir Lionel Smith, cautioned him not to decide until he saw what the new Charters entailed as there was talk of better pensions for everyone after twenty-two years of service, adding 'if you have health, you should by no means give in, either for your own happiness or the interests of your children'.[56] It is likely that Swanston, who suffered for the rest of his life from the bullet wound in his left arm and had taken at least one long spell of sick leave, was thinking about his own health and that of his young family. The death of his younger brother, Anthony

[50] *Asiatic Journal and Monthly Register*, Vol 12, 1821, p 393; India Office Records N/1/22 f9.
[51] Robert Sherson gained some notoriety in 1808 when he was accused of fraud in the Grain Department of the East India Company (EIC).He returned to England with his family where he waited until an audit found that no money was missing and the case was dismissed, with costs against the EIC. The EIC ruled that Sherson's reputation was unsullied, he was compensated and reemployed, taking on such responsibilities as Third Member of the Board of Trade, Collector and Magistrate of Chittoor, Postmaster General, and Treasurer and Secretary to the Government Bank, *Supreme Court, Equity Side, Madras 28th March 1814, The Honourable Company versus Robert Sherson and Others*, (London, nd); *Madras Civil Servants 1740 to 1858*, compiled by C Princep, (London, 1885). Like many other civil servants in India, Sherson dabbled in private commercial concerns, see Chapter 5.
[52] *Gentleman's Magazine,* v 86, 1799, p 715.
[53] The miniature, watercolour on ivory, is believed to have been painted in India by an artist by the name of Chinnery, http://collections.vam.ac.uk.
[54] Georgiana's great-great grandfather was Captain John de Morgan, who commanded Fort St David, the British headquarters for southern India, in 1746-1747 during a period of French occupation of Madras, HD Love, *Vestiges of Old Madras,* (London, 1913), pp 404, 547.
[55] Laura Swanston, mentioned in Rebecca Swanston's will as Charles's 'natural' daughter, was born in 1813 although where is not known, *Copy–Last Will and Testament of Rebecca Swanston of Tweedmouth*, Box 21/14, *Derwent Bank Papers*, TAHO.
[56] Lionel Smith to Swanston 5 October 1827, *Statement of the Services*, p 22.

Lambert Swanston, at Barrackpore in January 1828, leaving behind a young son, Robert, no doubt would have had an impact upon his considerations.[57] He would also have heard favourable reports from fellow officers following their visits on leave to the Australian colonies. Faced with a career change, many of the more adventurous chose the colonies for their new start, rather than returning to England. Elizabeth (Mrs Michael) Fenton, contemplating life in a new colony or a return home, probably reflected a common attitude when she wrote in her diary: ' I fancy now I would be happier amid the untrodden wilds of Australia than pursuing the monotonous path of ordinary existence, among persons, however well meaning, still unsuited to my tastes and habits.'[58]

The promise of Van Diemen's Land

In 1828 Swanston took twelve months leave from the Madras Establishment to visit the Cape and Van Diemen's Land. He arrived in Hobart Town on the HMS *Success* on 3 June 1829.[59] Lieutenant-Governor Colonel George Arthur welcomed him warmly, immediately recognising Swanston's ambition, competency and business acumen. As well as being a hero of the Third Anglo-Maratha Wars, Swanston was a talented surveyor, map-maker, engineer, classics scholar and horticulturist. He played the flute, could converse in French and Latin, enjoyed contemporary literature and was a fine horseman.[60] A studious man, Swanston exuded taste and sense of purpose and had impressive connections. He was just the type of settler Arthur wanted to encourage. Moreover, Swanston was an army officer, conversant with all the procedures, protocols and niceties dear to Arthur. To official functions Swanston wore his captain's uniform, causing Elizabeth Fenton to note in her journal following a gathering at Government House in August 1829 that 'Captain Swanston was there, in figure and style not defective to fill up the detail of a dinner-party.'[61] Arthur would have comprehended Swanston's administrative abilities because, as Paymaster of the Madras

[57] *The Bengal Obituary*, (London, 1851), p 330.
[58] E Fenton, *The Journal of Mrs Fenton 1826–1830: A Narrative of her life in India, the Isle of France (Mauritius), and Tasmania during the Years 1826–1830*, (London, 1901), p 210.
[59] *Hobart Town Courier*, 6 June 1829, p 2. *HMS Success,* 24 guns, under Commander William C Jervoise, arrived in Hobart Town from Madras on 3 June 1829, *Hobart Town Courier*, 6 June 1829, p 2.
[60] Several decades ago, Swanston's silver flute was in the possession of a great-grandson in New Zealand, *pers com*, W Oakman, Hobart, 3 September 2013; Swanston, *Rough diary of a journey.* Swanston recounts that when meeting a fine old Armenian man who could not speak French, he made himself understood in 'bad Latin'.
[61] Entry, August 1829, Fenton, Journal *of Mrs Fenton,* p 352.

Presidency, the captain was holding a similar position to the one that Arthur himself had occupied in Jamaica some fifteen years previously.[62]

In January 1830 at a dinner celebrating the first meeting of the new Van Diemen's Land Philosophical Society, Arthur declared that 'he wished the Colony were stacked with one hundred Settlers such as Captain Swanston, every year from India'.[63] Membership of the society comprised most the leading men in the town and while ostensibly on leave from India, Swanston was elected one of its two vice-presidents. The other was Surveyor-General George Frankland. His Excellency was patron, Dr John Henderson, president, and the committee of management included Captain Boyd, James Bryant, A Crombie, W Gellibrand, JT Gellibrand, WH Hamilton, Samuel Hill, Joseph Hone, PA Mulgrave, John Russell, James Thompson (all 'Esquires'), Dr James Ross secretary and Dr Adam Turnbull MD treasurer.[64] Swanston saw his future in Van Diemen's Land in such company.

It is worth noting that John Montagu – later Swanston's friend and Colonial Secretary – was not in Hobart Town while Swanston resided on leave. Montagu was in London arranging to sell his army commission and to seek confirmation of his appointment as clerk of councils in Hobart Town.[65] The acquaintance that proved immediately useful was William Hamilton, with his Indian connections and highly regarded by Arthur following his temporary service as Colonial Secretary. Hamilton, considering returning 'home', was looking for someone to take over his responsibilities in the Legislative Council and at the newly-established Derwent Bank. It does not require too large a stretch of the imagination to believe he appreciated Swanston's attributes and had started paving the way for Swanston to succeed him in his positions as banker and legislator. The 'keen observer', as Swanston was known to be, quickly capitalised on such opportunity. He lost no time in purchasing shares in the Derwent Bank, a joint stock company that had come into operation on 1 January 1828. It seems that

[62] AGL Shaw, *Sir George Arthur, Bart 1784–1854*, (Melbourne, 1980), p 18.
[63] This society was known also as the Van Diemen's Land Society and was 'for the publication of local scientific information and the establishment of a Museum and Botanic Garden', *Hobart Town Courier*, 19 December 1829, p 4; 23 January 1830, p 4.
[64] Henderson's initiative in establishing the Van Diemen's Land Society is discussed in Chapter 7.
[65] J Reynolds, 'Montagu, John (1797–1853), *ADB,* Vol 2, (Melbourne, 1967), p 248.

the share book was still open because Swanston, along with Hamilton, Montagu, Stephen Adey and Thomas Learmonth, soon became one of the largest early shareholders.[66]

These men shared a vision for the colony's future. In the days of sail, Hobart Town was well-placed on an important shipping route. Its strategic significance lay in demonstrating Britain's claim to New Holland and its island pendant ahead of the French, and in commanding the rich sealing and whaling resources of the adjoining seas. The deep, sheltered harbour on the Derwent estuary was one of the finest in the world. Its position was ideal as a refit and provisioning centre for whalers of the international fleet operating in the South Pacific and southern oceans. Transport and merchant ships sailing from London could be guaranteed full sails by picking up the trade winds of the 'Roaring Forties'. The growing outpost created a market for all the basic commodities of life and merchant sea captains often carried a speculative cargo, along with their human cargo, to dispense in Hobart Town.

While Arthur tightly controlled Van Diemen's Land as a prison, he also saw a future of the colony as a commercial entity, writing in 1827:

> the geographical position of Van Diemen's Land marks clearly its future maritime destiny. Situated midway between the continent of India and South America, it must become the Alexandria of these seas. Vessels coming down from India and the gulf of Persia will carry a fair wind to Valparaiso, and taking the higher latitude of 22 will return with an Easterly wind. The salubrity of the climate will also ensure it constant emigration from India, and the fertility of its soil and remarkable suitableness to the breeding animals of every kind, must ensure it trade and prosperity.[67]

By 1 January 1830, the European population of Van Diemen's Land stood at 20,500, with Hobart Town accounting for 5,700 residents. Hobart Town covered more than a square mile and extended over seven hills 'as many as Ancient Rome'.[68] Illustrating that the business of Hobart Town merchants was still balanced towards selling to the domestic market, the value of imports to the year ended 30 September 1829 was £259,186-0-9, while exports out of Hobart Town were valued at £101,069-8-11. Exports consisted principally of wool, whale oil, whalebone and wheat. Australian historian AGL Shaw points out that at this time

[66] *Deed of Settlement Derwent Bank*, RS 9/1, UTA.
[67] Arthur to Under Secretary Hay, 23 March 1827, *Historical Records of Australia*, Series iii Vol v, p 667.
[68] 'Descriptive Itinerary of Van Diemen's Land', *Ross's Hobart Town Almanack and Van Diemen's Land Annual for 1830*, p 38.

transportation was at its height as part of British penal policy.[69] More than two-fifths of the population were then prisoners in servitude.

Optimism ran high. Journalist and publisher Henry Melville described as 'truly astonishing' the improvements carried on in all parts of the colony in the late 1820s and early 1830s.[70] He said Van Diemen's Land had 'arisen from a wilderness to be a populated settlement – from being but a jail on a large scale, to a British colony, highly valued by the Mother Country as an appendage, and one of the most favored shores for enterprising emigrants'.[71] Diarist and auditor GTWB Boyes wrote to his wife in 1832: 'You can have no conception of the rapidity with which the place increases in size and commercial importance. It is three times as large as when I first visited it on my way to Sydney in 1823 and 1824 and I think the situation is exceptionable – it must improve for at least many years to come'.[72] The benefit of private investment, combined with the availability of cheap convict labour, was visible for all to see. Tasmanian historian Peter Bolger notes that before 1850 Hobart Town was a 'satellite of the world's largest city', without provincial barriers weakening the influence of London manners, London commerce and London officials.[73]

Swanston arrived in Van Diemen's Land with the appearance, at least, of a large amount of financial capital. Within a matter of weeks, it was broadcast that Swanston had purchased Edward Abbott junior's property at the Styx. At a cost of £3,300 including current crop, cattle, agricultural implements and sawn timber, this was reckoned to be 'a very cheap bargain'.[74] In the first of what amounted to many misfortunes in his new land, the fine property at the Styx soon slipped through Swanston's fingers. Historians up to this date have missed the fact that Swanston never completed the transaction to buy the property. The claim that he arrived in Hobart Town with £10,000 appears also a myth, although he possibly had paper securities.[75] In early 1830 came the news that the agency house of

[69] Shaw, *Sir George Arthur*, p 65.
[70] H Melville, *The History of Van Diemen's Land From the Year 1824 to 1835 inclusive*, ed. G Mackaness, (Sydney, 1959), Part 2, p 5.
[71] *Ibid*, p 19.
[72] GTWB Boyes, *The Diaries and Letters of G.T.W.B. Boyes, Vol 1 1820−1832*, ed. P Chapman, (Melbourne, 1985), p 520.
[73] P Bolger, 'The Changing Role of a City: Hobart', *Papers and Proceedings Tasmanian Historical Research Association*, Vol 16, No 1, 1968, p 7.
[74] *Colonial Times,* 28 August 1829, p 2; 11 September 1829, p 2.
[75] C Swanston, 'Swanston, Charles (1789−1850)', *ADB*, Vol 2, (Melbourne, 1967), p 500; Hudspeth, 'The Rise and Fall'; A Wayn's notes, Correspondence File, TAHO.

Palmer in Calcutta had failed, taking with it a considerable sum owing to Swanston.[76] Elizabeth Fenton was with Swanston when he received this bombshell, and recorded:

> Poor Swanston's exclamation 'This has ruined me!' went to my heart, though he is by no means a person whose character I had a high opinion, believing that if self-interest came in the way he could set aside every other consideration – but there he was, a sufferer, and I deeply felt for him. He proceeded to tell me he had involved himself in the purchase of Mr Abbott's property, for which he was then quite unable to pay. I well knew Swanston was a keen observer, and never would make any bargain unless he would by it be a clear gainer. I felt almost certain Fenton would take it off his hands. He seemed quite relieved by my suggestion, and begged me to send off a messenger to Fenton. While this was arranging I went to look for Mr Frankland, whom I had heard speak of this very place, and when I told him what I was about to do, he said if Fenton's object was to purchase he could find no better opportunity.[77]

And so the much-desired property became Captain Michael Fenton's and acquired the name of 'Fenton Forest'. The incident demonstrates how eager Swanston was to establish himself in Van Diemen's Land. The anxiety he suffered as a result of the failure of Palmer & Co became common knowledge around Hobart Town, with the *Colonial Times* stating that Swanston had given orders to the firm to sell out 'a considerable amount of Government stock and to remit him the money', but whether that had occurred before the failure, the newspaper said it did not know.[78] 'We can easily imagine what state of suspense he will be in till further information can be obtained, and we sincerely hope that it will ultimately turn out that the funds are still in the Government securities, and that he will in no way be injured by the failure.'

After a few months in Hobart Town, Swanston decided to acquire Bartholomew Broughton's property at New Town, then known as 'Prospect Farm'. But again, contrary to other accounts, Swanston did not buy the property outright: he occupied it, and the purchase did not occur until August 1832, within weeks of him taking the reins as managing director of the Derwent Bank.[79]

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[76] *Colonial Times*, 19 March 1830, p 2.
[77] Fenton, *The Journal of Mrs Fenton*, pp 366-367.
[78] *Colonial Times*, 19 March 1830, p 2.
[79] Conveyance dated 5 & 6 August 1832, *pers com*, Warwick Oakman, present owner of 'New Town Park', Hobart, 3 May 2015.

No biography of Swanston would be complete without mention of his horses. A white stallion seems to be a personal emblem. Horses took him to glory in battle and began his financial ventures in Van Diemen's Land. As noted by Michael Roe, the horse was dear to the Australian gentry and some prominent early families devoted particular care to breeding horses, hunting and racing.[80] At 'Prospect Farm' in October 1829 Swanston stood his handsome milk-white Arabian stallion *Ben Hasain* on terms of eight guineas, with a reduction to owners of three mares and more.[81] A 'genuine horse of the Desert', *Ben Hasain* had accompanied Swanston from India. Demonstrating his longer term commitment to the island colony, Swanston promised a Plate to the value of fifty guineas for a race between the two-year-old produce of *Ben Hasain*. This, he stipulated, would be 'to support the Turf and to encourage the breed of blood horses in the colony.' [82] True to his word, Swanston staged the event at the New Town Races in March 1833.[83] *The Ben Hasain Produce Stakes* with its fifty guinea prize was won by *Lady Hasain*, owned by Mr Kearney. The other 'produce' included WA Bethune's *Zillah*, Charles McLachlan's *Miss Hasain*, GC Clarke's *Vandyke*, Thomas Lowes's *Trio* and James Murdoch's *Blue Bell*. Such was the common ground of gentlemen!

Even before permanently settling in Van Diemen's Land, Swanston enthusiastically promoted migration and investment from India. A letter published in the *Madras Gazette* of 31 December 1829 described the southern colony favourably.[84] In conjunction with another East India Company officer, Captain Thomas Betts, Swanston published a pamphlet in Calcutta containing two essays describing the state of the colony on the Swan River− Betts' entitled 'Notes of a traveller' and his own 'A visit to the new colony on the Swan, Western Australia'. According to the *Hobart Town Courier*, the two captains were 'induced to publish their little works in Calcutta as many of the Europeans there were projecting measures to emigrate to Swan River in preference to this colony, to which they had originally intended to come, arising from the erroneous impressions they had received of Van Diemen's Land from its having convicts sent to it'.[85] Swanston disparaged the soils and productive capacity of the

[80] M Roe, *Quest for Authority in Eastern Australia 1835−1851*, (Melbourne, 1965), pp 37-38.
[81] *Hobart Town Courier*, 24 October 1829, p 1.
[82] *Ibid.*
[83] *Colonial Times*, 26 March 1833, p 2.
[84] *Hobart Town Courier*, 8 May 1830, p 2.
[85] *Ibid*, 12 February 1839, p 2.

Swan River region, but reported enthusiastically on Van Diemen's Land. The newspaper commented that 'a very great interest' had been excited throughout India respecting these colonies. Another piece of Swanston's wisdom – an essay about the advantages new countries could derive from the science of horticulture – was read to a meeting in March 1830 of the Van Diemen's Land Society.[86]

Swanston's resolve was clear, and early April he sailed on the *James Pattison* back to India to settle his affairs.[87] He resigned from the appointment of Paymaster the following November, but remaining on leave in the Madras Presidency until April 1831, preparing for his removal and generating interest in his forthcoming activities in Van Diemen's Land.[88] Betts and Swanston travelled back to Van Diemen's Land together, coming via Sydney on the barque *Integrity* and arriving in Hobart Town on 20 October 1831.[89] The two men were good friends: the death of Betts three years later occasioned Swanston to write 'a more honourable man never lived.'[90]

New career in banking and politics

Back in Hobart Town, Swanston's life gathered pace and opened the opportunities that were mooted on his earlier visit. William Hamilton returned to England in January 1832, vacating his position as managing director of the Derwent Bank and making room for Swanston.[91]

In July 1832 Swanston was elected chairman of board of directors of the new Van Diemen's Land Life Assurance Association, other directors being Roderic O'Connor, George Watson, Thomas Hewitt, William Gellibrand, Thomas Betts and William Sorrell junior.[92] The same month he was appointed to the Legislative Council as a replacement for that useful colleague, William Hamilton.

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[86] *Ibid*, 27 March 1830, p 4.
[87] The *James Pattison*, under command of Joseph Grote and with troops and officers aboard, sailed from Hobart Town for Madras and Calcutta on 1 April 1830, *Colonial Times*, 2 April 1830, p 2; *Launceston Advertiser*, 5 April 1830, p 2.
[88] *Statement of the Services*, p 22.
[89] *Colonial Times*, 26 October 1831, p 2.
[90] Swanston to Gledstane & Co, trustees for Betts & Co, 26 September 1835, Box 35/3, *Derwent Bank Papers*, TAHO.
[91] Eldershaw, 'Hamilton, William'; *Colonial Times*, 25 January 1832, p 2.
[92] *Colonial Times,* 10 July 1832, p 4.

As well as coming to grips with the demands of these entirely new careers, simultaneously Swanston was developing his import-export business, calling on a wide network of contacts in England, Scotland, India, China, the Netherlands and Mauritius, dealing primarily in tea, sugar, rum and investment in land.[93] He soon became immersed in the elite circle of Hobart Town, forming friendships with Arthur's clique of officials, the dominant merchants and the landed gentry who, by then, were receiving heavy demand and good cheques for their wool clips. His position with the Derwent Bank no doubt gave him an insight into exactly where the capital and influence lay in the colony. As keeper of a large purse his status rose and he was regarded as someone that needed to be kept always on side.

Swanston spent the first year of his permanent residence in Hobart Town unaccompanied because his wife and young children were with relatives in England. It appears that he and Georgiana were separated some time before Swanston's visit to Hobart Town in 1829.[94] The separation caused concern to Georgiana and some of Swanston's closest friends. Long-standing friend JM Stuart wrote to Swanston from Liverpool in April 1831 that his wife had just received a letter from Georgiana, whom they had been expecting to accompany them on the same ship from England back to India. Georgiana had informed them that Swanston was determined to give up the Company's Service and take a post in Van Diemen's Land. Stuart said he suspected Swanston was right 'for there is little good to be done now in India'. He also expressed his sympathy for the loss Swanston had met with the demise of Palmer's House, commiserating: 'Yours was really a hard case, the dollars being actually packed up and addressed to you, at least such is the story we heard'. Stuart's advocacy for Georgiana read: 'Mrs Swanston will be delighted when she gets the booking to set out for you have been separated a long time and she appears all anxiety to be with you again.'[95] Fourteen months later friend and confidant, William Oliver, made the same point. In a letter from Madras, he reported that he had been informed from London that: 'Georgie was in

[93] For example, Maguire & Co of Canton; Jardine, Matheson & Co of Canton; Berry & Co of Calcutta; Edi Otudin & Co of Manila; Binny & Co of Madras; John Bird & Co of Lambok; George Mercer of Edinburgh; and in London: Scott Bell & Co, Walter Buchanan, Major-General John Briggs, Sir George Best Robinson, Thomas Warding and Messrs Fairlie Bonham & Co, among many others in the wool, tea, sugar and general trade, letterbooks, RS9/2 (1-3) & RS9/3 (1-3), UTA.

[94] Swanston Correspondence File, TAHO. Tasmanian archivist Amelia Wayn inaccurately claimed in some research notes that Swanston was accompanied by his wife and family when he arrived in Hobart Town on leave in 1829.

[95] Stuart to Swanston, 30 April 1831, Box 32/13, *Derwent Bank Papers*, TAHO.

anxious expectation of receiving her "marching orders" which I suppose have reached her ere this, and she is now perhaps on the high seas'.[96]

Oliver, a writer with the governing council of the Madras Presidency and President of the Sudder Court between 1831 and 1836, expressed some envy at Swanston's new appointments in Van Diemen's Land. He suggested that Swanston should use his influence as new member of the Legislative Council to bring in a Bill to improve communication between India and Van Diemen's Land, adding 'I cannot help envying you although I dare say, if the truth were known, you are as much 'bothered' as I have been'.[97] Oliver's long confidential letters to Swanston indicate the extent the deep interest Swanston's circle of friends shared in colonial affairs. Oliver, disgruntled about the state of administration in Madras, over-worked, and concerned about the future of British rule, vented his frustration to Swanston. He said the Governor and the Commander-in-Chief were disporting themselves on the Neilgherries (Nilgiri Hills) while other senior officials were ill or off recruiting. 'Nothing can be worse than the state of affairs at present,' Oliver wrote.[98] He continued: 'To add to our other annoyances and embarrassments, he of the Neilgherries is at open war with him of Simla, and the difficulty is to determine which is the wildest bull of the two. For the last five or six months I have suffered more uneasiness respecting these matters than I can well express.' One personal note reveals Oliver had received gifts of produce from 'New Town Park': 'Many thanks for the Cheeses but a regard for truth prevents me from offering any compliment upon this specimen of Colonial Produce. But you will improve no doubt.'[99]

Establishing a family in style

At New Town, Swanston had started developing what was to become a magnificent property, under a name change from 'Prospect' to 'New Town Park'. As part of promoting real estate investment in Van Diemen's Land, Swanston told George Mercer: 'At the distance of 3 miles from town at a Village called New Town I purchased a year ago a farm of 160 acres, land & good cottage, fine garden, and forty acres of land, one in grasses, for

[96] Oliver to Swanston, 22 June 1832, Box 21/7, *Derwent Bank Papers*, TAHO.
[97] Oliver to Swanston, 16 July 1832, Box 21/7, *Derwent Bank Papers*, TAHO. As well as being a close friend, William Oliver was also Swanston's brother-in-law, being the husband of Georgiana's elder sister Mary Ann.
[98] Oliver to Swanston, 21 July 1831, Box 21/7, *Derwent Bank Papers*, TAHO.
[99] *Ibid.*

£3,000 some parts of which bush land I am now selling at from 50/- to 70/- per acre.'[100] This land on the southern side of the New Town Rivulet formed one of the original land grants in Van Diemen's Land and contained a vineyard planted by a previous owner, Bartholomew Broughton, which was producing 'quite palatable' wine from 1827 onwards.[101] In preparation for the arrival of his family Swanston began planning a classic stone home, built alongside the existing, mostly rubble and timber house.[102]

Swanston's wife and children and five servants arrived via the *Thomas Lawrie* on 13 November 1832.[103] 'New Town Park' became a famous address and a hive of activity as the family grew and Swanston developed the estate on a grand scale, extending its vineyard and planting its orchards and ornamental gardens. Swanston had his own warehouse built at Salamanca, owned shares in four ships (*Emma Kemp, Water Witch, Thames* and *Adelaide*), owned land on the Forestier Peninsula and at Richmond, and possessed a fat bundle of shares in the Derwent Bank.[104] A fifth son was baptised on 31 October 1833.[105] At New Town on 24 June 1835, Swanston's eldest daughter, Laura, married the colony's Solicitor-General, Edward Macdowell.[106] A year later Swanston became a grandfather, congratulated by his friend Anstey: 'A Grandpapa before the hand of Time has scattered its snows upon your head!'[107] Georgiana's younger sister, Caroline (also known as 'Cary'), wife of Captain Frederick Henry Alexander Forth (1808-c1876), was a frequent visitor. [108] While living at Campbell Town, she was a constant correspondent, writing about domestic matters or

[100]Swanston to George Mercer, 23 September 1833, RS9/3(1), p 41.The farm at New Town had come on the market because Bartholomew Broughton, a convict clerk to the Naval Officer Edward Foord Bromley, was accused, along with Bromley, of embezzlement of colonial funds and his rights taken away, PR Eldershaw, 'Bromley, Edward Foord (1777−1836)' *ADB,* Vol 1, (Melbourne, 1966), p 155.

[101] *Colonial Times*, 9 February 1827, p 3.

[102] Swanston's grand vision for 'New Town Park' is highlighted in Chapter 7.

[103] *Hobart Town Courier*, 16 November 1832, p 2. The 'Mr Lambert' on the ship's passenger list was presumably a relation on Swanston's mother's side.

[104] The warehouse was at Salamanca between Kerr & Co's property and the Bonded Store, built by Henry West c 1836. West to Swanston, 2 June 1836, Box 32/15, *Derwent Bank Papers*, TAHO; G Broxam, *pers com*, 28 July 2014. All four ships were registered in Hobart Town.

[105] Nowell Swanston was baptised by Rev P Palmer in the Parish of Trinity on 31 October 1833, *Tasmanian Names Index*, AGD32/1/2 No 4874, TAHO.

[106] *Cornwall Chronicle*, 27 June 1835, p 2. Rev Thomas Beagly Naylor married the couple by special licence at New Town.

[107] Anstey to Swanston, 19 May 1836, Box 32/9, *Derwent Bank Papers*, TAHO.

[108] Frederick and Caroline Forth arrived in Van Diemen's Land in 1833 where Frederick served in various positions including aide-de-camp to Arthur, Police Magistrate, Superintendent of Convicts and Director-General of Roads. After leaving Van Diemen's Land Forth became Governor of Turks Island and concluded a distinguished public career as Colonial Treasurer and Councillor in Hong Kong. *The Mercury*, 15 December 1876, p 3.

pleading for Swanston to intervene to advance her husband's career or to help out with money matters.[109] Another family member to join Swanston in Hobart Town was solicitor, John Dobson (1800-1865), a first cousin on Swanston's mother's side of the family. Dobson set up a legal firm still in practice in Hobart and did legal work for the Derwent Bank along with Robert Pitcairn.[110] Guests at 'New Town Park' included neighbours such as lawyers JT Gellibrand and Robert Pitcairn, government officials, army officers and visiting dignitaries such as Antarctic explorers Captains James Ross and Francis Crozier. One particularly lavish occasion was the New Year's Eve dinner in 1835 attended by the Lieutenant-Governor, Mrs Arthur and their entourage.[111] The entertainment was 'of the most splendid description' and 'a large party of chief public officers−the military, &c., &c., &c ... had the honour to meet His Excellency'.[112]

The Swanstons joined the round of civic and social functions. Homeward letters of the Meredith sisters, daughters of George Meredith of 'Cambria', Swansea, provide a running commentary on the manners and customs of Hobart Town. They ranked the Swanstons among the 'notabilities' such as the Stephens, Gregsons, Arthur Smith's brothers, Bedfords, McLachlans and Jacombes and 'young Arthur, the prince'.[113] Swanston was not always at ease in this society. Sabina Meredith wrote home that when her recently-married sister, Louisa Bell, had the Swanstons, Captain Forster and the Wilsons for tea 'Captain Swanston had a cold, so he never spoke the whole night, which induced Captain Wilson to wish "Bell would turn that sulky beast out" and I am sure it was a relief when he did go'. [114] When Louisa held a breakfast on the occasion of the marriage of her sister Sarah Meredith, Sabina

[109] Charles and Georgiana helped the Forths in many ways, including sending their daughter, Kate, to stay with Cary when she became anxious about her approaching second confinement, with no nearby female friends and no one but servants to care for her first-born infant, Forth to Swanston, 25 September 1838, Box 26/1, *Derwent Bank Papers*, TAHO. Forth was ambitious and wrote regularly to Charles about the frustrations and obstacles he encountered in his career. Forth's correspondence illustrates Swanston's powerful personality, as well as the universal desire for his approval. In response to a previous reprimand, Forth replies: 'I do not think I quite deserve your charge that I seem to have "no consideration for any other person but myself". I felt it poignantly. Although I shall by every means in my power endeavour to avoid having you again in a position or under the necessity of addressing me as you have done, pray do not hesitate to do again if necessity (which I trust will not be the case) for I take it as a sincere mark of your goodwill and friendship for me and those around me.' Forth to Swanston, 'Monday morning', nd, Box 26/1, *Derwent Bank Papers*, TAHO.
[110] A Alexander, *Yours very truly: Dobson Mitchell & Allport 1834–2009*, (Hobart, 2009), p 1.
[111] *Launceston Advertiser*, 7 January 1836, p 3.
[112] *Ibid.*
[113] Sabina Meredith to Meredith Family at Swansea, 25 May 1836, quoted in WH Hudspeth 'Hobart Town Society in the Thirties', RS 3/4 (5).
[114] Sabina, Letter home, 5 January 1833, quoted in Hudspeth 'Hobart Town Society'.

again was irritated: 'of course old Swanston was quite sulky, and looked at everything through his glass. How I did wish he would fall from his chair in a fit, and then there would have been a sensation of some sort.'[115] However, Sabina thought sufficiently of Swanston to note proudly that he had encouraged her accomplishment of singing and her expensive lessons by saying: 'You may sing as sweetly as you please, but unless you have style, you have nothing'.[116]

The last comment underlines much of Swanston's philosophy. He was a man of style and taste in an era when such accoutrements were a measure of social standing. Although regarded as a 'notability' − equating with today's notion of 'celebrity' − there is no evidence that he sought, or required, personal publicity. In terms of sulking at social events, it is possible that the more flippant side of society bored him. Certainly in 1836 when Sabina was writing, Swanston's mind was engaged on big issues, such as gaining title to the new lands at Port Phillip.

RSVP notes and other references to such occasions scattered through the *Derwent Bank Papers* indicate a network of friends and associates including people as diverse as senior civil servants Alfred Stephen, John Pedder, John Montagu, Matthew Forster, George Frankland and James Bicheno, pastoralists Thomas Anstey, Thomas Archer, Thomas Learmonth, George Meredith, Francis Cotton, Philip Smith (also a lawyer) and Philip's brother Arthur Smith (married to Swanston's cousin Jane, nee Dobson), merchant Robert Kerr of Kerr Bogle of Glasgow & Edinburgh, architect James Blackburn (a former convict), as well as a sprinkling of clergy, officers from the military barracks and visitors from India. In fact, Swanston's patronage, assistance and time was sought by people from all walks of life and he was under constant pressure from distant friends asking favours and calling on him to assist relatives and other young adventurers visiting or seeking employment in Van Diemen's Land. There are letters also from several men's wives, including Maria Pedder, Elizabeth Fenton, Mary Ann Piguenit, Maria Lord, Jane Smith and Lady Franklin, about financial matters or civic affairs.

Georgiana closely oversaw her children's education, encouraging music and languages. Stephen referred to these interests in passing a message via Swanston to Georgiana: 'I beg

[115] Sabina, 6 May 1836, quoted in Hudspeth 'Hobart Town Society'.
[116] Sabina, 4 September 1832, quoted in Hudspeth 'Hobart Town Society'.

my best regards to Mrs Swanston. Tell her that "Popsy" plays duets on the Piano with her Mama Eleanor; and is able to translate German pretty tolerably.'[117] The only words found from Georgiana's pen are several little notes addressed to Swanston at the Derwent Bank relating to domestic matters, for example 'Dearest, I have allowed our flour to run out. I know you are busy but write to tell you in case you are able to see about some today and send the cart in for it tomorrow. Yours – G S', and 'Will you pay Mrs Lamont for washing from the 9th of May to the 1st of July …instead of quarter May – She has asked for this advance – at the rate of £60 a year. G Swanston' and as an afterthought on the outside of the letter 'Will you bring the 'Romance of the Harem' for Mr Bell'.[118] Three more children joined the family at 'New Town Park' and the first decade – from the family perspective – was comfortable.

The conditions of Swanston's retirement from the East India Company, in January 1833, remained a sore point: he was not granted the brevet rank of Major, which would have increased his military pension. More galling was that he was told that his retirement was the reason for 'his non-attainment of honour and station'.[119] He was not placated by the extra fifty pounds per annum that the Court of the Honourable East India Company gave him on top of his pension (10s and 6d per day) in recognition of his distinguished services, 'especially in the memorable affair at Corygaum'.[120]

There is no doubt Swanston brought considerable intellectual and social capital with him to Van Diemen's Land – as well as high expectations. His early life shows that by birth, through his mother's family, he was on the fringes of what was considered elite in the early nineteenth century, but he had limited prospects through his father, a simple farmer. Swanston knew he had to establish his position in society through his own efforts and his youthful career in the armies of the East India Company gave him the opportunity to achieve a name for himself. He was bold, brave, scholarly, strategic and had a penchant for money management.

[117] A Stephen to Swanston, 5 October 1842, Box 11/5, *Derwent Bank Papers*, TAHO.
[118] G Swanston to C Swanston, undated, Box 24/7 & Box 3/4, *Derwent Bank Papers*, TAHO.
[119] *Statement of the Services*, pp 24-25.
[120] *Ibid*.

CHAPTER 2: 'THE MOST TALENTED AND ACCOMPLISHED FINANCIER OF OUR DAY'

> the Banks of the Colony are Joint Stock companies – Banks of deposit – of Issue and of Discount therefore not in any way engaged in trade or in any speculations beyond that of discounting bills – and are so interwoven with the affairs of the Colony that one cannot fail without the other. The Derwent Bank is conducted on the principles of the Scotch Banks and has the principal part of its loans secured on Deeds of Land and houses.[1]

Captain Charles Swanston is remembered primarily as a banker. Under Swanston's guiding hand, significant innovation was introduced into Australian banking with the Derwent Bank acting as agent for distributing British capital, introducing 'cash credits' or overdrafts for the benefit of settlers and subsequently becoming Australia's first mortgage bank.[2] Analysing the operation of the Derwent Bank more than a century later, prominent Australian economist and historian, SJ Butlin, upheld it as a 'remarkable financial engine'.[3] Swanston's management of the institution is of critical interest to history for three major reasons: first, it illustrates important steps in the evolution of Australian banking; second, it mirrors the transition of Tasmania from a prison farm to a free enterprise economy, and third, it provides an insight into the lives of the island's pioneers as they weathered the 1840s depression, a slump that was more devastating to individuals and the Van Diemen's Land economy than is generally appreciated. The Derwent Bank never recovered from the depression. Neither did many families. The revelations of personal hardship and the desperate attempts to avoid insolvency were the substance of Swanston's daily business in the latter half of his management of the bank. When the Derwent Bank collapsed in September 1849, the liquidator claimed Swanston owed it £58,508.19.6 and it took him more than three years to sort out its complicated affairs.[4] Swanston left Van Diemen's Land under a cloud in February 1850 and died months later.

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[1] Swanston to Jardine, Matheson & Co, 1 June 1835, *Letterbook*, RS 9/3 (1), p 195, University of Tasmania Archives (hereafter UTA).
[2] SJ Butlin, *Foundations of the Australian Monetary System 1788-1851,* 2nd edition, (Sydney, 1968), pp 10, 312-313; RM Hartwell, *The Economic Development of Van Diemen's Land 1820-1850*, (Melbourne, 1954), pp 176-177.
[3] Butlin, p 229.
[4] John Walker to Edward Dumaresq, 17 June 1851, *Letterbook* 9/2 (3), p 473-474, UTA.

The most fruitful time of Swanston's career as banker was 1833-36 when he was handling investment capital from a handful of British capitalists, acting as agent in setting up their properties, initially in Van Diemen's Land and then in the new districts of 'the opposite coast', Iramoo (Port Phillip) and Geelong. Although business was coming out of an economic trough in these years, his personal wealth grew to include properties in Van Diemen's Land, Melbourne and Geelong, shares in four ships, as well as his Derwent Bank shares. Between 1840 and 1846, however, he struggled to keep the bank's practices relevant to its clients in volatile economic times. Because in 1841 he had turned the Derwent Bank into a mortgage bank with its assets in property, when the depression deepened in 1843 Swanston had the difficult choice of calling in mortgages and forcing people from their land in the hope of another buyer even when the land was almost unsaleable at reasonable value, or allowing people to continue their debts and struggle on longer in the vain hope of survival.

The findings of some prominent Australian historians have documented the economic history of this period and their findings are drawn upon as background for this chapter.[5] A chronological approach shows how Swanston adapted the Derwent Bank's operations to suit changing economic circumstances.

Eminent patronage

The entry of Swanston into Van Diemen's Land's financial affairs happened indubitably under eminent patronage. As his wife, Georgiana, intimated in a letter to friends in India, Swanston had come on leave in 1829 in search of a government post.[6] The top government positions were already occupied, but Arthur, with the eye of an experienced tactician, perceived the use that Swanston could be to him.

The colony's first bank was the Bank of Van Diemen's Land, established in 1824 and later known colloquially as the 'Old Bank'. It was formed by merchants and agriculturalists with the encouragement of Lieutenant-Governor William Sorell. The bank was a joint stock

[5] SJ Butlin, 'Charles Swanston and the Derwent Bank, 1827–1850', *Historical Studies: Australia and New Zealand*, Vol 2, No 7, 1943, pp 161-185; RM Hartwell, *The Economic Development of Van Diemen's Land 1820–1850*, (Melbourne, 1954); L Robson, *A History of Tasmania*, Vol 1, *Van Diemen's Land from the Earliest Times to 1855*, (Melbourne, 1983), pp 255-259; S Petrow , 'A Real Colonial Good'? – The Banks of Hobart Town, 1824–60', *Papers and Proceedings Tasmanian Historical Research Association*, Vol 57, No 3, pp 185-202.
[6] JM Stuart to Swanston, 30 April 1831, Box 32/13, *Derwent Bank Papers*, Tasmanian Archive and Heritage Office (hereafter TAHO).

company set up by a charter of incorporation based on that of the Bank of New South Wales.[7] It was a bank of issue, relying on shareholders' capital for its reserves. Six of the directors were leading merchants and the president was Edward Foord Bromley, Naval Officer at Hobart Town.[8] Swearing in the directors in November 1823, the Deputy Judge Advocate, Edward Abbott, complimented the men on the distinguished mark of confidence shown in their election and he 'expatiated on the advantages which the colony would derive from establishment of the Bank'.[9] A second bank, the Tasmanian, established by JT and W Gellibrand in August 1826 survived only two years.[10]

As Sorell's successor, Arthur acknowledged the value of banks in meeting the demand for circulating medium, although by 1828 he was becoming apprehensive about the growing political influence of the 'merchant directors' of the Van Diemen's Land Bank. A shrewd and autocratic administrator, Arthur perceived a potential threat to his power base. In order to dilute the power, Arthur encouraged a group of his own officials to negotiate a merger with the Bank of Van Diemen's Land and, when those negotiations failed, he permitted the group to form a new bank, the Derwent. Butlin interprets the motive of Arthur's officials in establishing the Derwent as a desire to share in the extremely satisfactory profits and indirect gains they saw shareholders of the Bank of Van Diemen's Land accruing, rather than in the spirit of public service that they professed.[11] The Derwent Bank came into operation on 1 January 1828.[12] The original shareholders included Master of the Supreme Court Joseph Hone; Sheriff Dudley Fereday; Collector of Customs Rolla O'Ferall; and Captain John Montagu, then clerk of the Executive and Legislative Councils.[13] The Deed of Settlement

[7] *Hobart Town Gazette and Van Diemen's Land Advertiser*, 16 August & 25 October, 1823, both p 2.
[8] The office bearers were elected at a general meeting of proprietors at the home of Edward Lord in October 1823. *Hobart Town Gazette and Van Diemen's Land Advertiser*, 1 November 1823, p2; *Van Diemen's Land Pocket Almanac 1824,* Andrew Bent, Government Printer, p 38. The other six directors were Walter A Bethune, George Carr Clark, AF Kemp, Frederick Champion, Archibald Macleod and David Lord. The secretary and cashier was Richard Lewis, the solicitors George Cartwright and Hugh Ross, and the Principal Accountant, John Gardiner. EF Bromley was suspended by Arthur in 1824 for misappropriation of colonial funds implicating also his convict clerk, Bartholomew Broughton, PR Eldershaw, 'Edward Foord Bromley (1777–1836)', *Australian Dictionary of Biography,* (hereafter *ADB*), Vol 1, (Melbourne, 1966), p 155.
[9] *Hobart Town Gazette and Van Diemen's Land Advertiser*, 8 November 1823, p 2.
[10] A private bank, the Tasmanian, set up by JT and W Gellibrand, *Colonial Times and Tasmanian Advertiser*, 4 August 1826, p 2.
[11] Butlin, 'Charles Swanston', pp 161-185.
[12] *Hobart Town Courier*, 10 November 1827, p 2.
[13] Arthur to Under Secretary Hay, 26 January 1829, *Historical Records of Australia* (hereafter *HRA*), Series iii Vol viii, p 35 and Notes, p 786.

shows other large original shareholders as landholders and merchants such as Stephen Adey, William Talbot, Thomas Learmonth, Henry Hopkins, Joseph Montefiore, George Robert Ashton, Maria Lord and Thomas Gellibrand. Arthur's replacement Naval Officer, William Hamilton, was one of the largest original shareholders.[14] Rumours that Arthur had 'a large share' in the Derwent Bank remain unconfirmed.[15] The deed does not show his interest, nor does the balance sheet dated 31 December 1828.[16] There is evidence, however, that Swanston borrowed a considerable sum from Arthur in 1839 and possibly this loan was based on security connected with the Derwent Bank.[17]

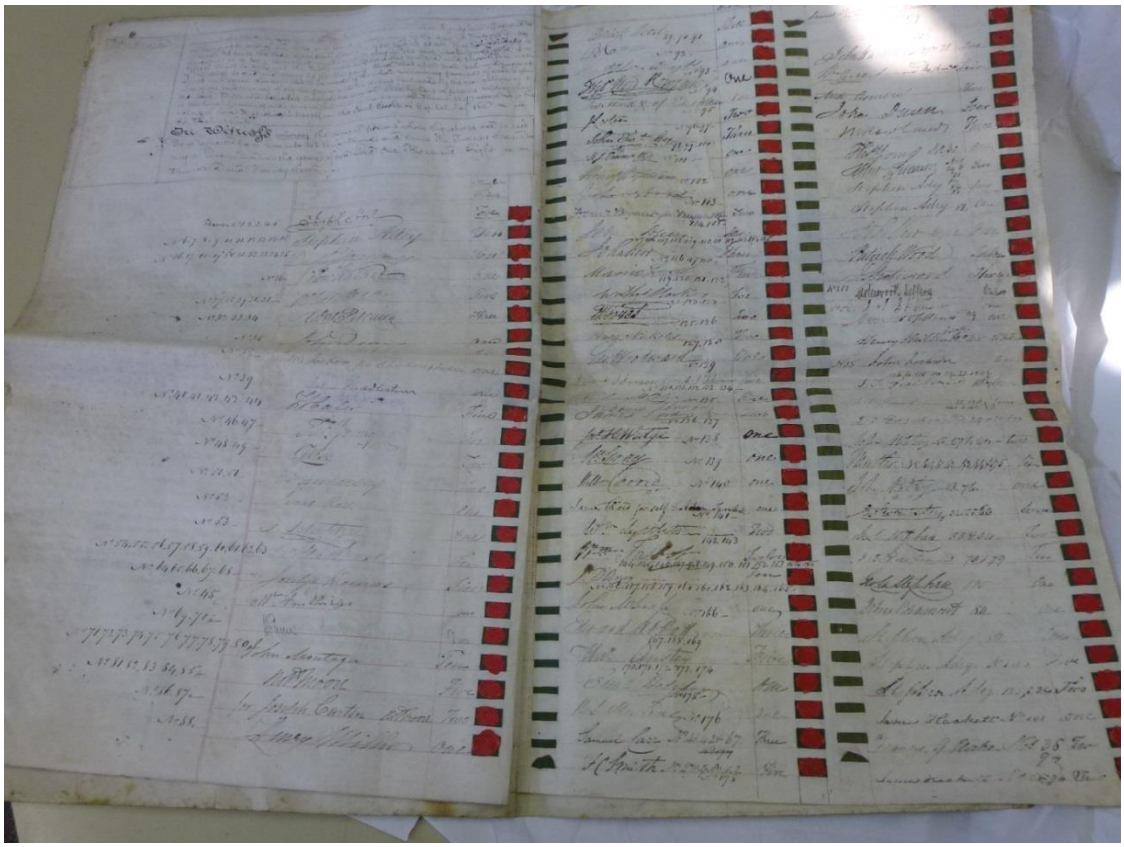

Image 3: Deed of Settlement of the Derwent Bank, Royal Society Collection, UTA. Photo: Eleanor Robin.

[14] *Deed of Settlement* RS 9/1, UTA.
[15] *Colonial Times*, 7 July 1835, p 4.
[16] Ledgers from various years show Arthur did hold accounts with the Bank, as he was perfectly entitled to do. The highest amount is recorded in the balance sheet of 30 June 1846 when he held an account totalling £2,729-14-4. *Loose pages of Ledger*s dated 31 December 1828, 1833, 1841 and 1845, and *Balance Sheet* dated 30 June 1846, Boxes 13 and 31, *Derwent Bank Papers*, TAHO.
[17] A promissory note dated 13 February 1839 showed Charles Swanston borrowed a sum of £2,300 – a considerable amount –from Arthur and agreed to pay him back in twelve months at a rate of interest of ten per cent, *Charles Swanston – Miscellaneous Correspondence,* CRO31, TAHO. Other notes in the same collection show that Swanston also borrowed amounts from Anstey.

'Security, Secrecy and Impartiality'

At the meeting that authorised the Derwent Bank's establishment in December 1827 six gentlemen were elected as directors for the first year – Joseph Hone (Chairman), Captain Patrick Wood, John Dunn, Peter Archer Mulgrave, John Kerr and WW Barnes. Stephen Adey, formerly superintendent of the Van Diemen's Land Company's estates in the north-west,[18] was appointed cashier, John Leake accountant, and Alfred Stephen was unanimously appointed solicitor.[19] The meeting also resolved that every holder of ten shares be considered an honorary director and that a house belonging to John Petchey be hired for the purpose of carrying on the banking operations. The Derwent Bank began with capital of £13,000 in shares of £100 each.[20] The following day, January 2, Stephen stood down, citing the reason that he was not then practicing as a solicitor. He was replaced by Robert Pitcairn.[21]

Before long the new Derwent Bank was under fire from the directors of the Bank of Van Diemen's Land with accusations of conflict of interest because so many of its shareholders were on the government payroll. A defensive Arthur explained to the Home Office the 'anxiety' the Van Diemen's Land Bank directors were causing him. He told the Secretary of State for War and the Colonies, William Huskisson:

> Whilst this bank [the VDL] did much good at first in putting down the various notes circulated by petty shopkeepers and others, the Directors soon afterwards made the institution quite subservient to their private views and interests; and such a reciprocal understanding existed amongst them in discounting each other's bills as placed large funds at their disposal, and excluded fair and liberal competition – in fact matters so managed that none but Directors and their friends could purchase cargoes of goods brought into the Port, and thus held the whole community at bay, by a very contracted monopoly.
> Besides this, Directors turned their influence into the field of politics, and, as two or three troublesome characters are sufficient in a small society to stir up a schism, and to carry the unthinking with them in the popular feeling of opposing the authorities,

[18] P Buckby, *Around Circular Head*, (Launceston, nd), p 31.
[19] Minutes of the Derwent Bank, Box 15/9, *Derwent Bank Papers,* TAHO. NB: this bundle of papers is badly water-damaged.
[20] *Hobart Town Courier*, 10 November 1827, p 2.
[21] Minutes, nd, Box 15/9, *Derwent Bank Papers*, TAHO. Rutledge claims that Stephen was asked to sever his connection *as shareholder* with the Derwent Bank by Arthur. Martha Rutledge, 'Stephen, Sir Alfred (1802–1894)', *ADB*, Vol 6, (Melbourne, 1976), p 180.

> so have the 'merchant-directors' successfully asserted themselves, by the promise of pecuniary assistance, and by the threat of withholding it, to make a very formidable party in the Colony opposed to the Government – which continued to exist for nearly three years. [22]

A schism was the last thing Arthur needed. Only three months later, he was again expressing his worries about the banking fraternity in his despatches, the subject this time being 'the troublesome affair' of some of his public officers forming another new bank, the Derwent Bank.[23] In the public domain, as Stefan Petrow points out, reaction to the opening of the new bank was mixed.[24] The *Tasmanian* considered that the new bank would introduce 'a speedy renovation of our commercial operations' and that its proprietors, who were men of property not commerce, would 'facilitate and promote every improvement of a practicable and prudent description'.[25] The *Colonial Advocate* had qualms about another bank in Hobart Town, questioning whether 'the facilities of obtaining money will not be too great for the solvency of the Colony'.[26] It predicted that if money were too easily obtained it could result in public and private extravagance and create 'a speculative mania'. This comment was astute because, by the mid-1830s, the Derwent Bank had gained a reputation for 'liberality'.[27]

The business of banks continued to be a serious irritant to Arthur. The response from London to his concern about the involvement of his officials in the Derwent Bank was unequivocal. It was 'quite inexpedient', the new Secretary of the Home Office, Sir George Murray, replied, for the Colonial Treasurer, Collector of Customs, or any other officer in receipt of expenditure of public money to retain any share in an establishment of the nature of the Derwent Bank.[28] Arthur was told to signify to those officers to relinquish their connection. There was some discretion in Murray's directive as it went on to say 'but not necessary to exclude every individual who may fill a public situation'.[29]

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[22] Arthur to Huskisson, 13 October 1828, *HRA,* Series iii, Vol vii, p 581.
[23] Arthur to Under Secretary Hay, 26 January 1829, *HRA*, Series iii, Vol viii, p 35.
[24] Petrow, 'A Real Colonial Good'?, pp 88-9.
[25] *Tasmanian*, 15 November 1827 and 25 January 1825, as quoted in Petrow, pp 188-189.
[26] *Colonial Advocate*, 1 April 1828, as quoted in Petrow, p 189.
[27] *Colonial Times*, 28 July 1835, as quoted in Petrow, p 189.
[28] Sir George Murray to Lt-Gov Arthur, 14 June 1829, *HRA,* Series iii Vol viii, p 409.
[29] *Ibid*.

While Arthur was considering his next move, Swanston arrived, assessing his future prospects. It is quite plausible that Arthur's strategy for avoiding further embarrassment was the reorganisation of the bank's affairs, through his trusted friend and Naval Officer, Hamilton. At a meeting of shareholders on 11 March 1830, chaired by Captain Wood, Hamilton proposed reducing the number of directors to three – the managing director and the cashier, both stipendiary, and a 'gentleman of property resident in the interior'.[30] Hamilton argued that fewer directors would ensure the utmost privacy, consistent with the essentials for bank management − *Security*, *Secrecy* and *Impartiality*.[31] The introduction of daily discounting was proposed also: bills lodged in a box in the office by noon each day would generally be answered by five o'clock the same day. The meeting appointed Hamilton managing director on £500 per annum and agreed his plan would come into effect in the coming July. Hamilton resigned his government position the following month to take up his new role, becoming the first full-time salaried bank managing director in Australia.[32] The reorganisation occurred only weeks before Swanston's return to India.[33] It appears probable that Hamilton had already signalled his intention of returning to England and had agreed to 'keep the seat warm' until Swanston's return.

Another key development in Van Diemen's Land in 1830, as Swanston sailed for India, was the passage of an act to declare British usury laws not in force in the colony. Butlin attributes this legislation, the *Doubts Removal (Usury) Act 1830*, to pressure from officials associated with the Derwent Bank.[34] The legislation nullified an English act that made it unlawful to lend money at an interest rate of higher than five per cent.[35] The bankers used the argument that, in the absence of legal restrictions on interest, a higher rate of interest could be obtained in Van Diemen's Land than in any other British colony. Hartwell challenges the logic espoused by the bankers on the ground that the previous restrictions on interest rates had never been enforced and the interest rates prevailing in the 'twenties

[30] Printed Notice, 'The Derwent Bank', 11 March 1830, *Charles Swanston – Miscellaneous Correspondence,* CRO31, TAHO.
[31] *Ibid*, emphasis in the original.
[32] PR Eldershaw, 'Hamilton, William Henry (1790−1870)', *ADB*, Vol 1, (Melbourne, 1966), p 507.
[33] Swanston sailed in the *James Pattison* from Hobart Town to Calcutta on 1 April 1830, *Launceston Advertiser*, 5 April 1830, p 2.
[34] Butlin, 'Charles Swanston', p 168.
[35] Petrow, 'A Real Colonial Good?', p 190.

were as high as those current in the early 'thirties.[36] Nevertheless, there is no doubt the Derwent Bank did use the argument to attract investors. Usury laws have an ancient history and issues of usury would have been well understood by the mercantile community in the colony.[37] John West recorded that the 'most distinguished money-leader' of the day was Sheriff Dudley Fereday whose ordinary charge was thirty-five per cent, or less with ample security.[38] Fereday returned to Europe in 1834 having realised £20,000 by usury.[39]

Petrow's study of the value of early banks illustrates the widely-held suspicion that the high rates constituted usury, especially after the colonial government passed the legislation, meaning that money-lenders could charge high rates of interest without threat of legal action.[40] There was criticism also that investment of capital to obtain the high rate was diverting investment from whaling, agriculture or manufacturing to people making money out of lending to others at high interest.[41] It was claimed that interest of between fifteen and thirty-five per cent on loans had ruined many people and that absentee moneylenders sent their profits to England and India.

Back in India, Swanston used the prospect of his forthcoming appointment and a promise of high interest rates to canvass for bank clients. There is evidence also that Swanston had an inkling of his forthcoming appointment to the Legislative Council and shared this with his Indian confidantes. William Oliver, for example, alluded to the prospective role in a letter of 21 July 1832 – a letter dated the same time the appointment was announced in Hobart Town and quite obviously before official news could have reached Madras – suggesting that Swanston, as a Member of Council should bring in a Bill to improve communication between India and Van Diemen's Land.[42] Swanston's financial propositions did not meet with instant success if Oliver's response was typical: 'Your proposal touching money requires more

[36] Hartwell, *Economic Development*, pp 203-204.
[37] British historian Niall Ferguson traces the beginnings of usury laws to the twelfth century and the merchants of Venice when, for Christians, lending money at interest was a sin. Usurers had been ex-communicated by the Third Lateran Council in 1179 and even arguing that usury was not a sin had been condemned as heresy by the Council of Vienna in 1311-12. Christian usurers had to make restitution to the church before they could be buried on sacred ground. N Ferguson, *Ascent of Money–A Financial History of the World*, Australian edition, (Camberwell, 2009), p 35-38.
[38] J West, *History of Tasmania*, (Launceston, 1852), p 129.
[39] *Ibid.*
[40] Petrow, 'A Real Colonial Good', pp 190-191.
[41] *Colonial Times,* 7 July 1835, as quoted by Petrow, p 191.
[42] Oliver to Swanston, 21 July 1832, Box 21/7, *Derwent Bank Papers,* TAHO.

consideration than I have yet been able to give to it; but to confess the truth, I am in one respect something of a miser: I am afraid to trust 'the glittering hoard' out of my sight'.[43] But Oliver, like others, came around as news spread of the colony's prosperity.[44]

Full of plans, Swanston arrived back in Hobart Town in the barque *Integrity* on 20 October 1831, giving him two months induction to bank management before Hamilton left for England the following January.[45] Aged nearly forty-two, Swanston, like other officers retiring from India, was older than most of the up-and-coming men of business who generally had arrived in their twenties. For the young and middle-aged, however, the motive was the same, to make money. As Dallas aptly puts it, the aim to make money was 'the first article of religion for all colonists, chaplains not excepted'.[46] A prevailing mantra was that hard work would bring just reward. Swanston did not at once resign his post in Madras. In January 1832 he wrote to the secretary of the Court of Directors at India House in London informing the court that he intended to reside in Van Diemen's Land during the greater part of his furlough on account of his health and to settle his affairs in the colony.[47] Cautiously weighing options, he was deciding whether business was brisk enough to support his family in Van Diemen's Land or whether he should return to India. By New Year 1833, he made the decision: his family was settling in, the omens were good, and he tendered his resignation.[48]

The umbrella of bank 'secrecy' and Hamilton's pending return to England provided ideal opportunity for Swanston, Montagu and Adey− the bank's cashier since its inception−to further their interests. [49] On 17 November 1831 Swanston and Adey offered Hamilton 'an allowance' of five per cent for his shares in the Derwent Bank, provided he undertook to keep at least twenty shares for twelve months.[50] Two days later, Montagu wrote to Swanston and Adey saying he had seen their letter to Hamilton, and offered to purchase

[43] *Ibid.*
[44] Swanston to Oliver, 9 February 1837, *Letterbook*, CRO24/1/1, TAHO.
[45] *Colonial Times*, 26 October 1831, p 2.
[46] KM Dallas, 'Commercial Influences on the First Settlements in Australia', *Papers and Proceedings Tasmanian Historical Research Association,* Vol 16, No 2, September 1968, p 46.
[47] Swanston to Secretary, Court of Directors, 1 January 1832, *Letterbook*, RS 9/3 (1), p 4, UTA.
[48] Anon, *Statement of Services*, (London, 1891), p 23.
[49] Anon, 'Adey, Stephen (1781−1860)', *ADB*, Vol 1, (Melbourne, 1966), p 3; C Swanston, 'Swanston, Charles (1789−1850)', *ADB*, Vol 2, (Melbourne, 1967), p 500.
[50] Swanston and Adey to Hamilton, 17 November 1831, *Charles Swanston – Miscellaneous Correspondence,* CRO31/2/9, TAHO.

twenty of Hamilton's shares so that all three would hold forty shares.[51] This secret bond, with its furtive overtones, was signed by the three on 26 November 1831.[52] Swanston was able to buy more shares in the Derwent when Adey returned to London in 1837, thereby gaining a majority of votes and undivided control.[53]

Early days in the Bank were exceedingly busy. In addition to the daily routine of familiarising himself with the customers, attracting new shareholders, issuing currency, discounting bills and keeping up with commercial intelligence, Swanston arranged for merchant Michael Connelly to be agent for the Derwent Bank in Launceston, starting from 1 July 1832.[54] He supervised completion of the bank's own premises on a prime site granted by Arthur in Macquarie Street. The building was constructed by Jackson & Addison with an exterior of polished ashlar and an interior in a palette of fashionable soft colours painted by Sam Tubby.[55] The Derwent Bank was also selected to run the convicts' savings bank for the government, holding the sums taken compulsorily from convicts on their arrival in the colony.[56]

An early challenge was dealing with the currency of the colony. British currency was the preferred coin and essential for dealings with British institutions, including the Colonial Office, but both Spanish and Indian coins were acceptable currency at a fixed price by the administration for daily trading. Notes and bills of exchange were promises to pay specie and the banks needed to carry enough specie to meet these promises. Bills of exchange were common medium of trade over many centuries. Ferguson outlines how bills came into

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[51] Montagu to Swanston and Adey, 19 November 1831, *Charles Swanston – Miscellaneous Correspondence,* CRO31/2/9, TAHO. Montagu said Hamilton intended to leave twenty shares in the Bank for twelve months 'certain from the 31st December next, and I am induced, in consequence of the proposition in your letter to him, to offer myself as the purchaser on the 31st December 1832 of his 20 shares and, at the same time to augment my shares to 40 upon the terms proposed by you'. Montagu also proposed the terms that would bond the three to hold forty shares each.

[52] Agreement, signed by Swanston, Adey and Montagu, 26 November 1831, *Charles Swanston – Miscellaneous Correspondence,* CRO31/2/9, TAHO. The agreement had four clauses: 1) that the Derwent Bank would be run on the principles laid down by Hamilton, tabled at the meeting of March 1830, 2) that the three agree to carry the propositions into effect, 3) each to hold not less than forty shares and that neither shall exceed that number without the consent of the other two, 4) that all bind themselves not to sell their shares without previously offering them to other two.

[53] Swanston, 'Swanston, Charles (1789–1850)'.

[54] *Colonial Times*, 26 June 1832, p 1. Michael Connelly's association with Swanston continued under the Geelong and Dutigalla Association (the Port Phillip Association) three years later.

[55] Tender from Jackson & Addison, dated 15 March 1831, Box 20/14, *Derwent Bank Papers*, TAHO; Quotation for painting from Sam Tubby, January 1832*,* Box 34/2, *Derwent Bank Papers,* TAHO.

[56] Butlin, 'Charles Swanston', pp 164-5.

currency and helped create the Medici fortunes.[57] If one merchant owed another a sum that could not be paid in cash until the conclusion of a transaction some months hence, the creditor could draw a bill on the debtor and either use the bill as a means of payment in its own right, or obtain cash for it at a discount from a banker wishing to act as broker. These practices applied in Van Diemen's Land.

The short supply of specie was an on-going concern to bankers and in August 1832 Swanston obtained the cooperation of the director of the Bank of Van Diemen's Land, Charles McLachlan, to seek an arrangement with the colonial government to regulate its demand.[58] Their point at issue was the practice of the colonial administration making payments by promissory notes, or bills of exchange, but demanding payment in specie, particularly on the sale of land, causing a drain on specie. Following an audience with Arthur, Swanston and McLachlan went through a protracted series of written exchanges to negotiate that the colonial government would hold an account of £10,000 with each bank, so giving the banks the flexibility they needed. During the negotiations Arthur was extremely cautious and reluctant to act without the approval of the Secretary of State until the bankers were able to point to the precedent of such an arrangement in New South Wales.[59]

Two years later Swanston's own words depict the circulation of currency:

> …the Colonial chest receives Spanish Dollars or whatever else may be a legal tender in this Colony – but the great circulation of the Colony consists in Notes of the Banks of the Colony which are with the Government a legal tender – I do not know how the Bills drawn by the American Houses in China would answer. I am afraid that at first there would be some difficulty in selling them here – In fact I know of no remittance so good for the parties who propose to visit this Colony as Specie.[60]

[57] Ferguson, *Ascent of Money,* pp 44-45.
[58] *Letters* McLachlan and Swanston to Arthur, 23 August , 7 & 14 September & 9 October 1832; and Letters Arthur to McLachlan and Swanston 3, 12 & 29 September & 15 October 1832, Box 31/1, *Derwent Bank Papers,* TAHO.
[59] *Ibid.*
[60] Swanston to G McKillop, 3 January 1834, *Letterbook*, RS 9/3 (1), pp 54-57, UTA.

Robson cites the example of a traveller to Van Diemen's Land in the 1820s being amused at the change he received for a £1 note: two dumps, two holey dollars, one Spanish dollar, one French coin, one half-crown, one shilling and one sixpence.[61]

The co-operation between McLachlan and Swanston continued throughout Swanston's business life. Not so close was John Dunn (1790-1861). Dunn had been an original shareholder in both the Van Diemen's Land Bank and the Derwent Bank, but sold his Derwent shares in 1829 to open his own private bank, the Commercial Bank.[62] Dunn converted it to a joint stock company in 1832 in order to obtain colonial government funds, and continued as managing director and major shareholder until retirement in 1857. He died a wealthy man.[63]

Swanston built up the Derwent Bank's capital by several measures. One was to increase the number of shareholders. A return lodged at the Supreme Court under a law of 1832 shows that of seventy-two individual holders, thirty-five resided overseas – from Calcutta, Macao, Moulmein (Singapore), Bombay, Cork, the large cities of England and Scotland – and ten bundles were held in trust by individual shareholders for others (mostly minors).[64] Another measure was to borrow money at a low rate of interest and on-lend at anything between eight and fifteen per cent. When Hamilton acted as agent for the bank in London it was customary for the bank to borrow money in England at five per cent to be invested in the colony at a higher rate of interest.[65] The bank was also used to hold money of overseas investors who had asked Swanston to invest in land or livestock for them. As explained by Hartwell, the large growth of absentee holdings was concealed by the banks, particularly the Derwent, and with every recession there was a calling in of mortgages and a change of ownership which resulted in larger holdings in the colony and in the further growth of absenteeism.[66]

In 1834 when Swanston perceived competition from the new Bank of Australasia, he sought wider investment and raised the bank's capital to £100,000, confidently offering a new issue

[61] Robson, *A History of Tasmania*, Vol 1, p 255.
[62] PH Wessing, 'Dunn, John (1790–1861)', *ADB*, Vol 1, (Melbourne, 1966), p 338.
[63] *Ibid.*
[64] Return to the Register of the Supreme Court, Box 20/2, *Derwent Bank Papers,* TAHO.
[65] Walker to Major GD Mercer, 23 December 1850, *Letterbook*, RS 9/2 (3), p 437, UTA.
[66] Hartwell, *Economic Development*, p 33.

of shares with a ten-and-a-half per cent premium.[67] A special general meeting of shareholders on 15 October 1834 also authorised the introduction of cash credits, the establishment of a savings bank, and agreed that the bank directors should be empowered to act on behalf of overseas persons in the management of their money concerns. The cash credit scheme introduced the notion of the overdraft to the Australian colonies. Under this system, landholders were able to buy a holding or livestock, to improve their assets in time of boom, or maintain estates in times of depression. Butlin records that 'cash credits' (loans) at the time were most common in Scotland, although also used in England.[68] Butlin says other banks adopted the overdraft, 'though not continuously nor on the same scale as the Derwent'.[69] The Derwent Bank for Savings opened on 1 November 1834, taking deposits as small as two shillings and sixpence and paying an interest of five per cent per annum.[70] Another small, but significant, change in bank management had occurred earlier in the year when Anstey was elected one of the three directors replacing Captain Wood who had returned to his native land.[71]

By the middle of the following year, Swanston was confident with his business model, describing it as 'conducted on the principles of the Scotch banks' with the principal part of its loans secured on deeds of land and houses. Its stock was divided into shares of one hundred pounds each. Regarding investment, he advised potential clients that the two facilities for investing were mortgages on land and houses or in bank stock.[72] He explained that the period for mortgage was fixed and money could not be withdrawn until that time expired. Swanston stated that where mortgage money previously had been invested at the rate of fifteen per cent, as more money had become abundant the rate of interest had fallen to twelve-and-a-half and even ten per cent per annum, although fifteen per cent might be obtained for a short period 'but not on the very best securities.' He encouraged confidence by assuring clients that, as joint stock companies, the banks of the colony were not engaged in trade or speculation beyond that of discounting bills.[73]

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[67] *Hobart Town Courier*, 31 October 1834, p 3.
[68] Butlin, 'Charles Swanston', p 176.
[69] *Ibid.*
[70] *Hobart Town Courier*, 31 October 1834, p 3.
[71] *Colonist and Van Diemen's Land Commercial and Agricultural Review*, 4 March 1834, p 2.
[72] Swanston to Messrs Jardine & Matheson, 1 June 1835, *Letterbook* RS 9/3 (1), pp 194-5, UTA.
[73] *Ibid,* see also opening quotation to this chapter and footnote 1.

Swanston several times experimented with the use of bank agents and considered opening branches of the Derwent Bank.[74] The agency in Launceston opened by Michael Connelly in 1832 lasted briefly before a cooperative business arrangement was made with the Cornwall Bank. An agency operated at Port Phillip by WFA Rucker before the establishment of the Port Phillip Bank.[75] Concerned about the competition from foreign banks, in late 1838 Swanston put several proposals to co-director Anstey for changing the Derwent's operations. The first suggestion, for allowing interest on running balances, met with a 'let well alone' response from Anstey, who rationalised:

> Our Derwent system is a peculiar one – there is nothing analogous to it in that of the Australasian, or Union. I do not believe that we shall lose half a dozen of our Customers by adhering to the good old plan. We were not affected by the Australasian bonus. Then why should we mind the Union? My notion is this – viz – Let us go on as heretofore until we find that the Derwent customers are dissatisfied. Nobody will abandon the Derwent without first of all remonstrating – when discontent is expressed then we can put an end to it, by altering our plans to the satisfaction of other friends.[76]

The following month, impressed by the quickening business of the Midlands and noting that John Dunn was to open a branch in Launceston, Swanston contemplated opening a branch of the Derwent Bank at Oatlands and sought Anstey's advice.[77] Again Anstey reiterated that the practice and clientele of other banks was very different from the Derwent's. He recalled how John Dunn had 'turned a penny nicely' keeping a huckster shop in Hobart Town in the 1820s and stressed that if Swanston consented to Dunn's sort of 'peddling commerce' and put on the guises of 'sobbing, sighing, canting, psalm singing Methodists', he could not groan with him, continuing:

> I have an inherent suspicion and dislike of those folks who are righteous overmuch. No, no – let the Derwent maintain its dignified state in Macquarie Street and there will ever be plenty of the very best custom without resorting to John Dunn's "barking barber" system of "walk in, Sir – shave for a penny".[78]

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[74] Butlin claims the Derwent Bank, by its Deed of Settlement, was empowered to open a branch at Launceston, but not elsewhere. However, when negotiations to do this fell through, Launceston residents opened the Cornwall Bank on 1 May 1828 which survived to become the Launceston branch of the Bank of Australasia. Butlin, 'Charles Swanston', p 166.
[75] A Sutherland, *Victoria and its Metropolis,* (Melbourne, 1888)*,* p 159.
[76] Anstey to Swanston, 10 September, 1838, Box 32/10, *Derwent Bank Papers*, TAHO.
[77] *Colonial Times*, 10 July 1838, p 7; *Cornwall Chronicle*, 21 July 1838, p 118.
[78] Anstey to Swanston, 8 October 1838, Box 32/10, *Derwent Bank Papers*, TAHO.

In the same letter Anstey expressed his opinion that the foreign banks moving into the colony would by and bye find out that branches of banks in England and in Van Diemen's Land were very different things. Nothing more ridiculous could be imagined than the idea of two branch banks at Campbelltown, he opined.[79]

Another first for the Derwent was its arrangement with the Cornwall Bank in Launceston for each bank to cash the other's notes and drafts, apparently the first systematic arrangement between two Australian banks for local remittances.[80] This arrangement, put in place about 1833, enhanced the sharing of commercial intelligence, especially through Charles Sham Henty at the Cornwall Bank and Stephen Adey at the Derwent Bank, discussed below.

George Mercer's capital investment

By 1833 Swanston was developing one of the best opportunities that had ever come his way. The wealthy client George Mercer (1772-1853) of Edinburgh wanted to invest '30-40 or 50 thousand Dollars' 'safely and advantageously' in Van Diemen's Land.[81] Mercer, a member of the East India Company's Marines before selling his commission to become a merchant in Calcutta, had heard of Swanston's reputation in India through business contacts such as fellow Scots, Thomas Learmonth (1783-1869) and George McKillop (c 1790-1865). Mercer was contemplating the future in the colonies for his sons and nephew.[82] It is doubtful, as earlier historians have claimed, that Swanston was friendly with Mercer in India: the intermediary person appears to be George McKillop, an Edinburgh merchant trading to Calcutta. One of Swanston's first letters to Mercer in the letterbook concludes: 'The trust you have reposed in the integrity of so perfect a stranger as I am to you is a compliment which I consider to be most gratifying & calls forth from me not mere words in return but deserves from me a strict and conscientious discharge of the trust reposed in me.'[83] Mercer consequently sent out agriculturalist David Fisher from Scotland to look after his properties, as well as shepherds, ploughmen and their families. His investment in Van Diemen's Land

[79] *Ibid.*
[80] Butlin, 'Charles Swanston and the Derwent Bank', p 177.
[81] Swanston to George McKillop, Calcutta, 15 October 1833, *Letterbook* RS 9/3 (1), p 49, UTA.
[82] PL Brown, 'Mercer, George (1772–1853)', *ADB*, Vol 2, (Melbourne, 1967), p 223.
[83] Swanston to Mercer, 27 September 1834, *Letterbook* RS 9/3 (1), p 128, UTA.

was in excess of £20,000, including £5,000 in gold.[84] Mercer's eldest son, Lieutenant George Duncan Mercer of the Bengal Native Infantry, and the nephew, Major William Drummond Mercer of the 16th Lancers, both visited Van Diemen's Land in 1838 before settling in Victoria, and a younger son, John Henry Mercer, emigrated to Victoria in 1846.[85] Following Mercer's example, another well-known identity in India, Sir George Best Robinson, made his first investments with Swanston through the agency of Jardine Matheson & Co.[86]

The affiliation with Mercer formed the backbone of the Derwent Bank's channelling of overseas capital into Van Diemen's Land. Swanston's initial intention had been to outlay £10,000 on land, £2,000 on livestock and £7,000 on Derwent Bank shares or mortgages, but more was spent on property. By February 1835, in consultation with David Fisher, Swanston had purchased 'Lovely Banks' for £7,248 and Mercer's portfolio also included 'Kangaroo Farm' (leased to Reiby) and 'Noble Park'.[87] Another property, 'Hollow Tree Bottom', appears to have been leased to George Duncan Mercer.[88] Swanston's letter to Mercer of May 1835 also reveals his reasoning for insisting on long-term commitments on the farms he leased:

> In an old country where the Lands are improved and the Farmer has a House to shelter himself in and nothing to do but put his plough into the ground and reap his corn, short leases of two or three years may do, but in a new Country where the Farmer has little more than the Heavens for his roof and every acre of ground to clear of the forest and to fence before he can put in the plough, he could not take any Land for a less period than 10 or 14 years.[89]

Inherent in this explanation is Swanston's understanding that to settlers, obtaining their land was only the first step of establishing viable productive units. Land usually formed the security and most borrowing was for housing, equipment, livestock, fencing and other infrastructure.

Through the friendship and regular business correspondence between Henty, cashier at the Cornwall Bank, and Adey, cashier at the Derwent, the staff of the Derwent Bank in Macquarie Street would have been among the first of hear of the Henty family's interest in

[84] Mercer to Lord Glenelg, 14 December 1836, CRO.Q.994.5.POR, TAHO.
[85] Brown, 'Mercer, George (1772–1853)'.
[86] Swanston to Messrs Jardine and Matheson, 1 June, 1835, *Letterbook* RS 3 (1), p 194, UTA.
[87] Swanston to Mercer, 25 May 1835*, Letterbook* RS 3 (1), pp 200-203, UTA.
[88] GD Mercer to Swanston, October 1838, *Derwent Bank Papers*, Box 21/17, TAHO.
[89] Swanston to Mercer, 25 May 1835.

the rich lands around Portland Bay, across Bass Strait. Henty often included short personal messages on the inside of his double-folded business letters. In December 1833, he told Adey that his father had lately returned from Portland Bay on the opposite coast and was 'much pleased with the country'.[90] The following October he reported: 'My Brother Edward sailed in the *Thistle* on Tuesday for Portland Bay with a full Cargo of Cattle, Heifers, and working Bullocks thirty one in number with five hands, as the commencement of an Establishment at that place. As they will not give us Land here, we intend taking some at Portland Bay'.[91] And then a month later: 'The *Thistle* arrived last night, from Portland Bay. They made very bad passage up. The accounts of the Land are very cheering … Edward was about proceeding into the interior with a strong party for about a week's walk.' [92]

A more jubilant Henty wrote in October 1835 with the news: 'My brother arrived on Sunday 112 days out, himself and party all well. We have our location at Portland Bay recognised by the English Government and in such a way that we can quite hope to be. This alone has been worth my brother's voyage and I am quite certain that you will rejoice in this good fortune to our family.'[93]

To a speculator like Swanston, news of the Hentys' intention was tantalising. He was conscious of both the limitations on land allocation in Van Diemen's Land, which threatened to limit investment from overseas clients, and of reports of good land on the opposite shores. Within months of the Hentys' move, Swanston was heavily involved in the Geelong and Dutigalla Association (subsequently known as the Port Phillip Association), intent on acquiring some of the fabled grazing land across the Strait. He described the country as 'the best extent of unoccupied fine Land in Australasia' with the added advantage of a 'finer climate'.[94] To his investors he advised that, with this knowledge, giving high prices for land in Van Diemen's Land appeared 'perfect madness.'[95] Swanston's involvement in the settlement of Victoria was arguably the most expansive and time-consuming of all his ventures. His role is discussed further in Chapter 6. Its significance is emphasised here because of the impact that the diversion of funds, people, stock, building materials and

[90] Henty to Adey, 5 December 1833, Box 22/1, *Derwent Bank Papers*, TAHO.
[91] Henty to Adey, 16 October 1834, Box 20/8, *Derwent Bank Papers*, TAHO.
[92] Henty to Adey, 27 November 1834, Box 15/12, *Derwent Bank Papers,* TAHO.
[93] Henty to Adey, 22 October 1835, Box 21/9, *Derwent Bank Papers,* TAHO.
[94] Swanston to Mercer, 11 September 1836, *Letterbook* RS 9/3 (1), UTA.
[95] *Ibid.*

equipment had on the economy of Van Diemen's Land, hence the Derwent Bank, in the rush to settle the new country.

The settlement of Victoria, and soon after South Australia, changed the nature of exports from Van Diemen's Land. By the end of the 1830s most of the whaling and merchant ships – for which the island colony was so well known – were not sailing to London, but trading between other British colonies. Two years after the settlement of Port Phillip, livestock became Van Diemen's Land's− major export line and, with wool, dominated the export trade.[96]

Meanwhile in Van Diemen's Land, Arthur's term finished in October 1836 and Swanston lost a powerful patron. He did not achieve a similar level of trust with any succeeding administration. Increasingly, Swanston came under fire from bank clients because he refused to extend credit or honour bills where debts to the bank were becoming too large. Anstey did his best to quell complaint:

> I have always said to each complainant – "it would be a matter of no moment to the Bank to do for you individually what you wished – but consider, for instant, that similar expectations are entertained by 300 or 400 persons – and if the claims of all these persons to be allowed to overdraw to the extent of £70 – 80 – or £100 were granted, what must be the condition to which the Bank would be reduced?" This picture appeared to satisfy Murdoch – Sam Hill −Clarke – Whitefoord – Willis – and a few others who vented, occasionally, their spleen agst the Bank, either personally or by letter, to me.
> My Bankers, for a great number of years, were Coutts & C^{o}. If I had overdrawn my account £10 I wonder how I should have felt, and what Coutts Trotter, or Marjoribanks, would have thought of me! Strange that people *here* should be so ignorant of the usages and rules observed by Bankers and their customers at home!![97]

The plight of Surveyor-General George Frankland (1800−1838) epitomises the struggle many respectable people were having meeting expenses in settling and adapting to new lives in the colony, even when the economy was holding up relatively well. In January 1838 Frankland must have received some kind of stern notice from the Derwent Bank because, from his beautiful harbour-side home 'Secheron', he wrote to Swanston:

[96] *Tasmanian Year Book 1992: No 23*, (Hobart, 1992) pp 235-6.
[97] Anstey to Swanston, 19 December 1836, Box 32/9, *Derwent Bank Papers*, TAHO. Emphasis in the original.

> Many thanks for your kind note of yesterday. The advice it contained even if had not accorded with my owns views I should have equally valued as coming from one whom I have always looked upon as a sincere friend, but I had already resolved on disposing of my land for what it would fetch, as the paying such sums of interest is downright ruinous. To be sure it is the most unfortunate time for selling, but it would not do to wait any more for the Times, as the delay that had already occurred in the meantime has been quite beyond what I had anticipated. My sale is to take place on the 22nd inst. Till which time I must look to the bank for support as far as I may have occasion to draw for indispensable payments to tradespeople. You are aware that money is so scarce at present that tradespeople cannot wait for theirs.[98]

Frankland's hopes for selling 'Secheron' were not realised. Two weeks later he notified Swanston:

> I had no offers, and seeing the present depression, it appears illusory to hope for any immediate opportunity of selling although I would let it go for half its value rather than remain in debt. I can now only wait till a reaction in Mercantile affairs produces a purchaser and in the meantime live on half my income and leave my place.[99]

Frankland never caught up on his debts. In September 1838 he tendered 'Secheron' to the government for five years.[100] When he died suddenly, in December of the same year, his widow and family were left financially embarrassed.[101] A collection was made among his friends to pay the family's fares back to England.[102] The family sailed on 16 February 1839 in the barque *Derwent*, in the same ship as Montagu and family and Swanston's two elder sons.[103]

Perhaps with insider commercial knowledge and some prescience of good times approaching, in March 1838 Swanston refused an offer of amalgamation with the Union Bank. His rejection of the Union's proposal met with the approbation of Anstey who declared 'such terms did not deserve consideration for a moment'.[104] The returns of the colony's three banks as at 30 June 1838 reveal the Derwent Bank had the largest assets. It

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[98] Frankland to Swanston, 10 January 1838, Box 25/7, *Derwent Bank Papers*, TAHO.
[99] Frankland to Swanston, 23 January 1838, *Ibid.*
[100] PR Eldershaw, 'Frankland, George (1800−1838)', *ADB*, Vol 1, (Melbourne, 1966), p 410.
[101] A respiratory illness hit Hobart Town at the end of 1838, leading fifteen-year-old Charles Lambert Swanston to write in reference to the death of the Surveyor-General George Frankland the previous Sunday: '... the church bell in town is tolling nearly all day long there are such a lot of young children and old people dying of this influenza every person has it and when I was in church last Sunday there was so much coughing that no person could hear Mr Naylor's edifying discourse,' CL Swanston to J Meredith, 4 January 1839, *Correspondence and draft correspondence*, NS123/1/49, TAHO.
[102] 'Subscription, Death, G Frankland Survey-General', Box 23/2, *Derwent Bank Papers*, TAHO.
[103] *Colonial Times*, 19 February 1839, p 3.
[104] Anstey to Swanston, 23 August 1838, Box 32/10, *Derwent Bank Papers*, TAHO.

held £156,371.11.1, ahead of the Bank of Van Diemen's Land with assets of £122,665.1.1 and the Commercial Bank with £106,349.14.0. However, the Derwent Bank figures held a unique component – Cash credits valued at £63,244.15.2.

Table 1: Statement of Liabilities and Assets of Van Diemen's Land Banks as at 30 June 1838.[105]

	Derwent Bank	**Bank of V.D.L**	**Commercial Bank**
	£.s.d	£.s.d	£.s.d
Liabilities			
Bank Stock	77,317 11 4	61,500 0 0	50,690 0 0
Deposits	65,155 19 9	52,983 1 1	49,446 14 0
Notes in circulation	13,898 0 0	8,182 0 0	6,213 0 0
TOTAL LIABILITIES	**156,371 11 1**	**122,665 1 1**	**106,349 14 0**
Assets			
Bullion, Treasury Bills &c	19,268 18 6	22,006 7 5	28,286 19 10
Bills of Exchange &c	69,932 3 8	98,108 13 8	77,962 14 2
Bank Property	3,925 13 9	2,550 0 0	100 0 0
Cash Credits	63,244 15 2	0	0
TOTAL ASSETS	**156,371 11 1**	**122,665 1 1**	**106,349 14 0**

Large profits from whaling, trade to Victoria and high wool prices resulted in a boom year for Van Diemen's Land in 1839 and created a new surge of overseas investment. Roderic O'Connor encapsulated the attitude of the affluent bankers when he wrote to Swanston: 'If the settlers cannot now pay off their debts they never will – the price of every commodity we have is now, I may say, at the highest. I sold about three hundred Bushels of Wheat last week at Eighteen shillings per bushel, taken away from the Barn Door. I have two thousand Capital wethers at St Pauls for which I have been offered One Pound each, but the wool is

[105] Table based on figures published in the *Colonial Times*, 17 July 1838, p 3, taken from *The Gazette* of 10 July 1838.

too valuable to sacrifice it.'[106] However, while the consequences of this inflationary boom were little understood, William Hamilton, on the other side of the world, foresaw difficulties. Hamilton had taken the appointment as official 'money agent' of the Derwent Bank in 1840 during Montagu's sojourn in London. Montagu also appointed Scott Bell & Co. as 'wool agent', both appointments with Swanston's authority.[107] With renewed zeal, Hamilton reported that monetary speculations connected with the Australian colonies were on the increase. He was referring, in part, to the opening of the Royal Bank of Australia in London in early 1840 by future colonial entrepreneur, Benjamin Boyd, at the time preparing to sail to New South Wales.[108]

Hamilton also warned that the 'Goliah' (as the Bank of Australasia was widely known) might interfere with the Derwent Bank.[109] He advised:

> The Australasia and the Union Bank of Australia are offering by advertisement Bills on their Branches at 5% discount and only one of them will (with reluctance) purchase a Bill at 12% discount: a state of things heretofore unknown. Much of the great disadvantage that ensues to the mercantile interest on the high premium paid in the colony on English Bills may be attributable to the Treasury measure of taking more than the former fixed premiums: and it will not be the cause for surprise if British coin should find its way back. [110]

Only four days later Hamilton was writing to Swanston: 'Australian banking is in a little bad odour, just now, with the uninformed, as you will perceive by the accompanying extract from the *Times* newspaper. I have just heard that *16* per cent is asked for negotiation of a Bill on VD Land by one of the Banks. Where will this end?'[111]

This information, coupled with tangible signs of growing distress among the colonists, caused Swanston to do some serious thinking. His solution was to turn the Derwent into a mortgage bank. The re-structure, which occurred in September 1841, was based on fifteen key points, the main thrust being that the Derwent Bank would cease to be a bank of issue,

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[106] O'Connor to Swanston, 2 July 1839, Box 4/3, *Derwent Bank Papers*, TAHO.
[107] Montagu to Swanston, 7 September 1840, Box 12/3, *Derwent Bank Papers*, TAHO.
[108] Boyd's biographer, Marion Diamond, states that the capital of Boyd's bank – in 20,000 shares of £50 each – was meant to reach one million pounds, but nothing like this amount was raised from shareholders. The bulk of the bank's capital, about £300,000, was raised by the sale of debentures, not shares. M Diamond, *The Sea Horse and the Wanderer – Ben Boyd in Australia*, (Melbourne, 1988), pp 19-20 &28.
[109] Hamilton to Swanston, 7 November 1840, Box 12/5, *Derwent Bank Papers*, TAHO.
[110] *Ibid*, 23 October 1840.
[111] *Ibid,* 11 November 1840, emphasis in original.

that its capital would be increased to £250,000 and invested in mortgages on land or other securities, and that mortgages on other securities (if approved by directors) would be taken in payment of shares from parties wishing to become shareholders.[112] A bank circular stipulated that loans from £100 to £3,000 were offered upon security given either by two or more respectable sureties, or a landed property. In the former case, a bond was required, in the latter case, a mortgage was taken. Swanston's terms stipulated that sums granted on mortgage, the duration and the rate of interest would be mutually agreed by the director and the borrower. The bank reserved the right to require payment of advances at any time and stated that loans could be paid off sooner in sums not less than £10 a single payment.[113]

Impact of the settlement of Port Phillip and South Australia

The development of Port Phillip had mixed blessings for Van Diemen's Land. While the provision of livestock, building materials and supplies to Port Phillip in the mid to late 1830s boosted Van Diemen's Land's prosperity, in the longer term this pattern diverted investment finance, personnel and energy from the island. In his opening address to the Legislative Council on 30 June 1838, Franklin had said that with the recent depreciation of wool on the English market and the cessation of the demand for sheep and cattle for Port Phillip, general credit had certainly been put to a severe trial.[114] He referred to 'circumstances which must for a time retard the Colony' and noted, 'so long as flocks can be gratuitously depastured on the yet unsold lands of Port Phillip, there will necessarily be a falling off in the Revenue of this Colony, derived from the sale of land and a diversion of Immigrants who have more recently come out under the Government Bounty'.[115] Searching for a positive message, Franklin opined that the check in the wool market might even prove beneficial if it caused the settlers to depend less than formerly upon one or two articles of produce, and directed their attention to the cultivation of other resources. He thought the little impression caused by the reduced wool prices was evidence that the colony was 'now

[112] 'Proposed arrangements Derwent Bank' dated 10 September 1841, Box 19/3, *Derwent Bank Papers*, TAHO.
[113] *Printed circular*, including application form, undated, Box 13/2, *Derwent Bank Papers*, TAHO.
[114] *Hobart Town Courier*, 6 July 1838, p 2.
[115] *Ibid.*

surmounting the weakness of infancy, and is able to bear, comparatively uninjured, vicissitudes which at an earlier period might for a time have almost overwhelmed it.'[116]

A year later, Franklin used his opening address to highlight the value of grain exports and called Van Diemen's Land 'fitted by nature to be the granary of the Australian colonies.'[117] But by June 1841 his note of optimism had disappeared and his opening address cautioned:

> There has been experienced of late, as you are all aware, a considerable contraction of the Money Market – no doubt referable, in some degree, to the outlay occasioned by the importation of Meat from the coast of New Holland – but still more to the large absorption of Capital resulting from the Sales of Land at Port Phillip. The diminished demand for our wheat in the new colonies at present may also have had some effect.[118]

The inference that the grand vision for settling the fine grazing lands across Bass Strait detracted from the prosperity of Van Diemen's Land must have grated with Swanston, but there is no evidence that he wavered in his decisions or sought to justify his actions.

Hardship of the 1840s depression

In 1841 a depression took root in the colonies, which was more severe in Van Diemen's Land and persisted at least five years.[119] By Spring 1843, embarrassment and distress were widespread. The colony's merchants urged Swanston to lower the Derwent Bank's interest rates, attributing their problems in part to the high rates of interest as well as lower prices being received for wool, grain and stock.[120] They pointed to the 'sudden influx of capital a few years ago' and the speculation at Port Phillip as combining to give 'an unnatural action to the system', when the 'high interest of money was then scarcely felt, and engagements were made without anticipating the reaction which was to follow'. [121] The merchants claimed that 'merchant, tradesman, and settler, as one man', had cause for distrust and

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[116] *Ibid*.
[117] *Hobart Town Courier*, 7 June 1839, p 2.
[118] *Courier*, 25 June 1841, p 4.
[119] Hartwell, *Economic Development*, pp 235 -236. Hartwell summarises the cause of the depression under the major headings of 1) the abstraction of money from circulation by land sales and speculation; 2) the shortfalls of the banking system; 3) excessive imports and declining exports; 4) unfruitful seasons, 5) government interference/incompetence; and 6) the probation system, high wages and inefficiency of labour.
[120] Letter, WM Orr, WS Sharland and PT Smith to Swanston, 1 June 1843, on behalf of a public meeting of landholders, merchants and others held in Hobart Town on 25 May 1843, reprinted in Derwent Bank *Circular to shareholders*, 26 June 1843, Box 34/Envelope 1, *Derwent Bank Papers*, TAHO.
[121] *Ibid*.

alarm. The altered circumstances of the colony occasioned 'general distress and embarrassment' and presented a 'frightful picture of ruin as the inevitable result of further decline', the merchants wrote. Swanston acted on the merchants' demands and encouraged shareholders to reduce interest on loans to eight per cent.[122] It was claimed in other places that it was vital to get from Swanston a reduction of interest because the Derwent Bank held mortgages over property on the island amounting to more than £300,000.[123]

It could be argued that Swanston's expansionary strategies had contributed to the hardship. If he had not stimulated such a capital inflow at high interest rates, as well as the emigration of labour and capital to Port Phillip, the impact of the depression might have been less severe. Franklin had referred to the drift away. The merchants were accurate also when they pointed to falling wool prices and value of other produce. A downturn in the British economy had impacted on its dependent colonies. As historian Max Hartwell noted, Van Diemen's Land resembled an isolated English county tied to the metropolis. It was only able to take independent action within narrow limits.[124]

Official and personal accounts attest to the economic hardship suffered in Van Diemen's Land during these years. A graphic example comes from James Scott, of 'Bowhill', Glen Dhu, near Launceston, telling his older brother, Thomas Scott, in Scotland:

> We are at the present time living in an era of Insolvency. When people meet now the question is not how do you do, but who has gone today, and a great relief it is to hear no one has failed by whom you are much of a sufferer. In sober truth, I never witnessed such havoc in a commercial community as among ourselves.[125]

There is a poignancy, as well as a desperation, in the pleadings of Elizabeth Fenton to Swanston for a large loan in June 1843, remembering her opinion of Swanston, noted in Chapter 1, as being a person 'that if self-interest came in the way he could set aside every other consideration'. Faced with the possible loss of 'Fenton Forest' through mortgage to

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[122] *Ibid.* Swanston told shareholders that in addition to this eight per cent, he would add half-a-per cent as a commission, to be paid by the mortgagor to cover expense of remittance and agency.
[123] *Southern Australian*, 15 September 1843, p 2.
[124] Hartwell, *Economic Development,* p 185.
[125] James Scott to Thomas Scott, 28 July 1841, *The Scott Letters – VDL & Scotland 1836–1855*, transcribed by DJL Archer, (Launceston, 2009), p 104. James Scott, astute surveyor and businessman, was the younger brother of surveyor Thomas Scott, who arrived in Van Diemen's Land in 1820, and of George Scott who, with Thomas, owned the sheep property 'Mount Morriston' on the banks of the Macquarie River near Ross, GH Crawford, *ADB*, (Melbourne, 1967), Vol 2, p 429.

John Dunn of the Commercial Bank, Elizabeth begged Swanston for a loan of £3,000, half of Fenton's accrued debt of £6,000. Fenton's two major debts, she explained, were entered, one without her knowledge, and the other against her advice and it was deeply distressing to be in the power 'of one who is alike a Stranger to Honour and Honesty', a reference to Dunn.[126] Elizabeth continued:

> In the event of any Casualty befalling Fenton before the debt is paid off I cannot passively await its final conclusion without a reference to you to whom I Know I could turn for protection and advice in any such Emergency – Were this Mortgage to be in your hands my Mind would be comparatively at ease and no one Knows better than Yourself the Value of the property it is placed on. It has been for years a deep mortification that Fenton should have degraded himself by any Community of interest with such a Thing as John Dunn a Miscreant who sheltered himself under the petticoats of some of his female relations on the Deck of the vessel he sailed from Scotland – from those who were in pursuit of him. … Fenton now feels his error so Keenly it would be ungenerous of me to add to it by expressing any part of what in the bitterness of my hurts I avow unreservedly to you.[127]

A draft of Swanston's reply, dated 17 June 1843, indicates that, although Swanston wished to help, he was unable to do so. His draft says:

> had the times not been so distressing I should have had no difficulty in relieving you from the distress of mind under what you are now suffering. At present however I regret to say it is not in my power to advance even to the extent of half the sum required. For some months past I have been unable to assist any one beyond the advance of a few hundred pounds and from all appearances there seems to be no prospect of my being enabled to do so for as many months to come …You will feel disappointed at my refusal of the first favour asked of me, I can imagine. You will however, at same time, do me the justice to believe that the disappointment you should not have experienced had it been in my power to have granted your request.[128]

Swanston was able to provide some support, if only in advice, for Elizabeth wrote four years later:

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[126] Like Anstey and Elizabeth Fenton, others held a poor opinion of John Dunn. In his memoirs Charles Meredith MHA, the son of pioneer George Meredith of 'Cambria' near Swansea, wrote that John Dunn had founded his fortune through swindling his employer by pocketing proceeds that should have been returned to him from the sale of goods in Hamburg. In Van Diemen's Land, Dunn continued to build his assets from profits of his shop, known as the 'Verandah Stores', before opening the Commercial Bank. Charles Meredith claimed: 'With his Hamburg proclivities he soon made money but it was a long time before Hobart society recognised him'. 'Notes by Charles Meredith, MHA', undated, RS 21/459, UTA.

[127] Fenton to Swanston, undated, Box 16/8, *Derwent Bank Papers*, TAHO.

[128] Swanston to Fenton, Draft dated 17 June 1843, Box 16/8, *Derwent Bank Papers*, TAHO.

> My dear Captain Swanston I am sure you must hate the sight of my writing as I have so often written to you under distress of mind which makes us selfish and intrusive. But tho' the cause no longer exists I have not forgotten your forbearance and sympathy for which I have times frequently wished for an opportunity of thanking you. I think I have great reason to believe that before the termination of the present year I shall be completely relieved from the cares that have so grievously embittered the last three. …[129]

Elizabeth somehow achieved a satisfactory outcome to her concerns, but she was only one of scores of over-committed settlers that Swanston had to deal with, many of whom had survived periods of stagnation before, but were quite unprepared for the length and severity of this one. While there is commonality in their problems, their sufferings were deeply felt and personal. Many worried about the future of their families once the option of going home was ruled out by the debts encumbering them in Van Diemen's Land. They hoped against hope that the next crop or wool clip would bring relief from the demands of their creditors. Edward Franks, of 'Wilderness', Greenponds, was a frequent correspondent and provides an example of the fear felt by many of possible foreclosure. In asking for an advance on his wool in September 1843, he writes that 'the unusually lengthened depression in produce and stock has nearly exhausted my present means, added to which the disastrous character of the times cuts off those facilities which were formerly available'.[130] In December he wrote that attendance at the stock sale at Greenponds the previous day was so bad the auctioneer did not put up a single lot.[131] By June 1845 Franks was panicking about what the bank might do:

> This to me untoward event, if my fear be right, also rather unexpected, involves me in perplexity and gives me some alarm for it may prove a serious obstacle in retrieving my broken fortune which the propitious aspect of the times gives me assurance. I have very great hope that soon after next harvest I shall be able to pay off a considerable portion of this debt. I shall sow 200 acres of wheat while at the present moment I have not less than 1000 bushels to sell.[132]

Correspondence to Swanston reveals the names of many eminent settlers suffering financial strain and asking for extension of credit, for example, Matthew Forster and Frederick Forth among other high-ranking civil servants, and pastoralists Richard Willis of 'Wanstead',

[129] Fenton to Swanston, 19 June 1847, Box 25/3, *Derwent Bank Papers*, TAHO.
[130] Franks to Swanston, 4 September 1843, Box 5/5, *Derwent Bank Papers,* TAHO.
[131] Franks to Swanston, 14 December 1843, Box 16/7, *Derwent Bank Papers,* TAHO.
[132] Franks to Swanston, 19 June 1845, Box 19/5, *Derwent Bank Papers*, TAHO

Francis Cotton of 'Kelvedon', John Whitefoord of Oatlands, and Thomas Archer of 'Woolmers'.[133] The Port Phillip Bank which George Duncan Mercer had briefly headed and in which Swanston held considerable shares − his own and others held in trust for absentees − failed in 1843.[134] The Derwent Company, formed out of the remains of the Port Phillip Association, was wound up soon after, occasioning Swanston to write to Mercer:

> In times of such trouble and general distress I find my labours daily increase, and when it will end God only knows. As your son Henry will tell you, it has been impossible to get rid of any kind of stock or farm produce and the times instead of improving are hourly becoming worse. Since I wrote Learmonth has been declared insolvent in this Colony and as far as I can judge his estate will pay nothing – his debts are chiefly absentees and they are very large. I can only say that I have been sadly deceived. … I am a severe sufferer.[135]

As early as 1843 Swanston was witnessing the collapse of some of his bank's major shareholders. He wrote to Montagu:

> I begin seriously to be afraid of a general bankruptcy. All kinds of property, whether stock, land or shares in companies are *unsaleable* except at ruinous prices. Land and Stock are not worth half the value they were three years ago. Daily failures are the consequence … I begin to tremble for the Banks. As yet we have suffered no loss but we cannot expect to escape. We have reduced our dividends 10 per cent and I propose to declare more.[136]

Swanston said that Port Phillip Bank in Melbourne would not be able to pay ten shillings in the pound. He attributed its ruin to the insolvency of several of its directors, their debt to the bank amounting to £27,000. He did not hold back on his criticism of Franklin's administration, complaining that every act of the Government had been that of 'imbecility', everything had come to a standstill and the wheels of government were locked.[137]

In such austere times a curious precautionary business practice crept into the movement of money when bushrangers and petty thieves were also finding the going tough. The Postmaster General, Captain FC Smith, reminded Swanston that responsibility for money enclosed in letters forwarded for post rested 'on the party remitting' and added: 'Captain

[133] Archer was said to be so deeply distressed by the collapse of the bank Archer, Gilles & Co in 1844 that his health deteriorated.
[134] Butlin makes the point that after the Port Phillip Bank failed, the absentee shareholders had difficulty in establishing their right to what was left of their money, Butlin, 'Charles Swanston', p 171.
[135] Swanston to Mercer, 30 May 1844, MS 13166 Box 3827/4 Series 3 Item 23, State Library of Victoria.
[136] Swanston to Montagu, 17 February 1843, *Letterbook* RS 9/3 (2), p 260-2, UTA. Emphasis in the original.
[137] *Ibid.*

Smith therefore requests that Captain Swanston will in such cases take the precaution to cause notes to be cut in halves and on transmitting one set of halves wait their acknowledgment before the others are forwarded'.[138] Simple tasks became a business complication!

Shouldering peoples' problems and dealing with vexatious political issues wore down Swanston's health, causing concern to friends. Matthew Forster wrote: 'I really am very sorry to hear you are so unwell – you should endeavour to shake off your Annoyances and rally, things must change soon and then you will be more at your ease.'[139]

As the depression continued, Swanston found it difficult to 'rally'. In notifying Hamilton of his decision to drop the bank's interest rate to eight-and-a-half per cent, he expressed the opinion: 'I do not look on better times suddenly returning but it is to be hoped that they will gradually return, never however to the days of 15% but those which would enable the Mortgager to pay 8 ½% and live … I think the time is not far distant when the whole banking business of the Colony will be in the hands of the two foreign Banks.'[140] Swanston advised Hamilton to 'remain quietly in England', adding:

> The Colony is not what it was and of your old friends there would be not one except Thomas Archer left, if he lives. Anstey with all his family returns to England in December and he would be followed by all the old respectable settlers if they were not tied down by their debts. All are alarmed at the number of Convicts that are poured in upon us and dread the consequences. I regret as matters have turned out I ever came to the Colony, but the change that has taken place was beyond human foresight.[141]

Swanston was truly worried, telling Hamilton only a month later: 'I am both in body and mind in a constant state of fever'.[142] He related that his water company set up to construct a water supply for Hobart Town was 'done for', the Treasury was empty, there was no land fund, and Eardley-Wilmot had been forced to borrow £23,000 from the 'Com' Chest' and from the banks.[143] Both the Government and the people were bankrupt.

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[138] Captain Smith to Swanston, 27 August 1844, Box 4/5, *Derwent Bank Papers*, TAHO.
[139] Forster to Swanston, dated only 'Sunday' (c March or April 1844), Box 4/12, *Derwent Bank Papers*, TAHO.
[140] Swanston to Hamilton, 10 May 1844, *Letterbook*, RS 9/3 (2), p 344, UTA.
[141] *Ibid.*
[142] Swanston to Hamilton, 13 June 1844, *Letterbook*, RS 9/3 (2), p 361, UTA.
[143] *Ibid*.

An especially painful letter for Swanston to pen was the one to ornithologist John Gould, who four years previously had invited Swanton to be a subscriber to his book, to inform Gould that he had lost a considerable sum following the suicide of his 'safe' mortgagee and long-term settler Valentine Griffith.[144] To his old army colleague John Briggs he lamented:

> I have suffered much in mind in consequence of the losses you and some of my other friends have sustained in these Colonies as almost to have broken me down. My own losses have been very heavy but my own misfortunes do not bear so heavy upon me nor do they give me so much concern as what you and others have suffered although small in comparison.[145]

Such despondency was widespread. Anstey was determined to leave the colony at the end of 1844 and expressed a desire to retire as a director of the Derwent Bank.[146] He agreed to continue for a short time if that was beneficial to Swanston or to the Bank. Anstey admitted to being 'sick and disgusted' at what he daily saw and heard and said no consideration on earth would entice him to remain. 'Recent proceedings give me the horrors,' he said. 'The future prospects of the colony appear to me and other settlers to be most gloomy, God knows what will be the upshot.'[147]

The tough times impacted on Swanston's family. In the latter part of 1845 it was decided that his wife would go to Port Phillip, taking the dependent children with her. Anstey recognised this calamity with the not-so-comforting words to Swanston:

> Mrs Swanston and family going to Port Phillip! I am very sorry for it. Nearly all the people of worth will quit this devastated Colony, I fear.[148]

In April 1846 a rumour circulated that the Derwent Bank was about to close and that 20 per cent was to be paid to the shareholders.[149] The rumour had substance because Swanston had received an offer from the Union Bank to buy the Derwent Bank premises in Macquarie

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[144] Swanston to Gould, 21 October 1844, *Letterbook*, RS 9/3 (2), p 379, UTA.
[145] Swanston to Major General J Briggs, 29 January 1845 *Letterbook*, RS 9/3 (2), 402-3, UTA.
[146] Anstey to Swanston, 21 November 1844, Box 32/14, *Derwent Bank Papers*, TAHO.
[147] *Ibid*. Public concern about the growing influx of convicts and reports of crime is discussed in Chapter 3. Anstey's comments in the letter of 21 November 1844 related to such concerns and continued: 'I guess, and fear, if I belonged to your Finance Committee I would propose, among other dockings, reducing the Salaries of the Parsons by one half and let the cut off half be made good to the Spiritual Shepherds by their respective Flocks. Judge Montagu lately pronounced our Clergy as the 'worst class of man in the colony' and he may not be far wrong to my thinking. The voluntary principle is gaining ground at home and surely we may adopt it here in this modified manner.'
[148] Anstey to Swanston 24 Nov 1845, Box 3/8, *Derwent Bank Papers*, TAHO.
[149] *Launceston Examiner*, 15 April 1846, p 235.

Street. He wrote to Anstey, who was staying with his son, George, in South Australia, explaining that he could get £3,000 for 'our House', build one adjoining for £1,000 and that the offer was too good to lose.[150] 'I wish you were here just to give me your advice', Swanston wrote.[151] Three weeks later the *Launceston Examiner* reported the Derwent had sold its building to the Union Bank of Australia, but noted that it was still a bank of deposit.[152] The newspaper viewed the fact that there was £393,000 cash deposited in the colony's banks, besides bills for collection, as proof that the colony was not insolvent. It continued: 'but it also confirms the suspicion that confidence has been shaken and that capitalists are inclined to allow their money to accumulate rather than invest it in property or improvements, the value of which must depreciate, every day, while the present system of penal discipline is preserved entire.'[153] Whatever the capitalists were doing, Swanston still spent his days juggling impossible figures, at the Derwent Bank and in the Legislative Council. While Swanston called frequently for Anstey's advice, there is little evidence in the *Derwent Bank Papers* of him consulting with the other co-director, the 'scrupulously honest' public servant Josiah Spode.[154] This is possibly because there was little need for correspondence with Spode as he lived nearby at New Town. Spode is listed as one of the three co-directors in 1847, but when he assumed this position is unclear.[155]

In March 1848, when the Legislative Council rejected the Estimates submitted by Lieutenant-Governor Denison and appointed a committee to draw up another set, the *Colonial Times* remarked that Richard Dry MLC would be assisted by the ablest of his colleagues and especially by Captain Swanston 'unquestionably the most talented and accomplished financier of our day.[156] Despite his best efforts, Swanston realised the solutions on both fronts were beyond him.

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[150] Swanston to Anstey, 24 April 1846, draft, Box 23/2, *Derwent Bank Papers*, TAHO.
[151] *Ibid.*
[152] *Launceston Examiner*, 13 May 1846, p 298.
[153] *Ibid.*
[154] FC Green, 'Spode, Josiah (1790–1858)', *ADB*, Vol 2, (Melbourne, 1967), p 466.
[155] *Wood's Van Diemen's Land Almanac and Law and Commercial Daily Remembrancer for 1847*, p 107.
[156] *Colonial Times,* 24 March 1848, p 3. The acceptance of Swanston's financial ability was widespread. Two years earlier, one newspaper had referred to Swanston's 'comprehensive financial colonial knowledge and sober judgement' while offering penetrating assessments of fellow Members of the Legislative Council – 'the indomitable and determined spirit of Fenton; the quick, comprehensive sagacity and ready talent for debate, and keen-telling sarcasm of Gregson; and the cool, quiet, gentlemanly dispassionate reasoning of Dry', *Colonial Times and Tasmanian*, 10 April 1846, p 2.

Collapse of the Derwent Bank

In August 1848 Swanston resigned his seat in the Legislative Council, ostensibly because he was disenchanted with the colony's political system, but presumably to focus on his financial affairs. Finally, on 27 September 1849, Swanston admitted that his position with the Derwent Bank was untenable.[157] A solemn meeting of Derwent Bank shareholders, chaired by co-director Josiah Spode on 10 October 1849, agreed that the affairs of the bank should be wound up as soon as possible. The meeting resolved that security should be taken forthwith from Swanston for the amount of his liabilities to the bank.[158] Swanston's son-in-law, Edward Willis, acting as agent, intimated that Swanston was prepared to resign his office as managing director. The press noted the affairs of the Bank had got into a 'state of derangement'.[159] A rumour flew around Hobart Town that Swanston's debts to the Bank amounted to £83,000, causing disbelief and Boyes to write in his diary: 'This is hardly credible'.[160] John Walker (1799−1874) was appointed managing director and liquidator.[161] Butlin claims that Swanston gave up when the Union Bank, which already held bills to the value of £12,640, refused to advance £25,000 to the Derwent Bank for an indefinite period and the Australasia also refused further support.[162] He notes also that a number of other banks failed during the severity of the depression, in New South Wales: the Australia, the Sydney and the Port Phillip banks, and in Van Diemen's Land the Colonial and Archer, Gilles & Co.

How long Georgiana stayed in Victoria is not known, though she left for England in the barque *Wellington* from Hobart on 8 February 1849.[163] Before departure, Georgiana signed two Deeds extinguishing her right of dower to all property in Van Diemen's Land and at Port

[157] J Walker to GD Mercer, 16 November 1849, *Letterbook*, RS 9/2 (3), p 322, UTA.
[158] Minutes, signed Josiah Spode, Chairman, undated, Box 25/7, *Derwent Bank Papers*, TAHO.
[159] *Colonial Times*, 2 November 1849, p 3; *Launceston Examiner*, 3 November 1849, p 6.
[160] Boyes, *Diary of GTWB Boyes, Van Diemen's Land, November 26th 1849 to April 28th 1851*, entry for 19 February 1850, RS25/2 (12), UTA.
[161] John Walker, born in 1799 at Ednam, near Kelso, on the Scottish border, miller, brewer and a foundation director of the Derwent Bank, was widely known for his 'capacity, enterprise and industry' , PL Brown, *Clyde Company Papers*, Vol 2, (London, 1952), pp 437, 438.
[162] Butlin, 'Charles Swanston', pp 180 & 183.
[163] *Courier,* 10 February 1849, p 2.

Phillip.[164] Through the renowned London wool merchant and financier, Robert Brooks in London, her husband arranged an annuity of £700 to be paid to her.[165]

On 22 January 1850 Swanston slipped out to Melbourne and then California to join his son, Bob, on the goldfields.[166] The debts he left behind totalled £104,375, including £58,509 to the Derwent Bank.[167] Before departing the colony, he arranged for Askin Morrison and John Walker to act for him to settle his banking debts and affairs and Thomas Macdowell to act for him in his agency and private matters.[168] Swanston's intent to repay his creditors appeared genuine. Three weeks later, the Swanstons' beautiful 'New Town Park' was subdivided and sold at auction, realising around £3,000, far short of its real value.[169] His 3,000-acre property 'Glen Ayr', near Richmond, sold for £3,000, again well below its real value.[170] The properties in Victoria also went at bargain prices.[171]

In August 1850 the *Colonial Times* carried an accusation that Swanston had improperly used depositors' money to the benefit of himself. The article continued:

> …the sufferers here had not knowingly, or with their consent, embarked their property in any commercial speculation, neither had they in the course of their business entrusted the use or care of it to one whom they expected to use it for such a purpose. The man through whom their property is sacrificed, had, without their consent, employed it for his own benefit and aggrandisement and that of his relatives or other associates in speculation, from which, if successful, the owners of the property could have derived no profit. [172]

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[164] Walker to Dumaresq, *Letterbook*, RS 9/2 (3), p 326, UTA.
[165] Enclosure, letter from J Walker to E Dumaresq, 17 June 1851, *Letterbook,* RS 9/2 (3) p 473-474, UTA.
[166] Swanston left Launceston for Melbourne in the barque *Raven* on 22 January 1850, *Colonial Times*, 25 January 1850, p 2. He left Sydney for California in the barque *Swallow* on 15 April 1850, *Sydney Morning Herald*, 16 April 1850, p 2.
[167] Walker to Dumaresq, 17 June 1851, *Letterbook* RS 9/2 (3) pp 473-474, UTA.
[168] Attested Copy Assignment in Trust for Creditors, 21 December 1849, Box 24/8, *Derwent Bank Papers*, TAHO.
[169] *Cornwall Chronicle*, 13 February 1850, p 100.
[170] 'Glen Ayr' was purchased by Bassett Dickson. It was all fenced and contained 500 acres of English grass, 'first rate' buildings that must have cost thousands, *Colonial Times*, 7 January 1851, p 2.
[171] The property held by Swanston in the Geelong District was sold by order of the Derwent Bank, 'equalling in magnitude many Government Land Sales' and drawing together a large number of bidders, *Geelong Advertiser*, 26 September 1850, p 2. The *Sydney Morning Herald* subsequently reported 'Native Creek' sheep station, with '12,000 sheep, working bullocks, buildings, &c, &c.', was knocked down to Dr Hope, twenty-five lots in the Barrabool Hills estate sold at an average of £3.15s per acre, one-acre lots on the Barrabool Hill road sold at extravagant prices and the store in Ryrie Street sold for £2,000 to James Austin, *Sydney Morning Herald*, 10 October 1850, p 2.
[172] *Colonial Times*, 20 August 1850, p 4.

One hundred years later similar accusations were made by Hobart solicitor-cum-historian Wilfred Hudspeth in an address to the Royal Society of Tasmania.[173] Following Butlin's 1943 paper on the Derwent Bank and drawing on the letterbooks donated to the Royal Society's collection, Hudspeth spoke of Swanston's 'perilous path which was eventually to lead to his ruin and that of the institution over which he had control'.[174] He imputed Swanston had deliberately misled unwary investors and was a 'self-deluded optimist'.[175] His claim that Swanston's promise of high dividends resulted in an inflow of money 'from all quarters in an ever increasing tide' which not even the arrival of another foreign bank could stem, was exaggerated. [176] Hartwell says that there was a considerable import of capital, but it was not as great as sometimes had been claimed.[177] Most of the nineteenth century sources used by Hudspeth painted Swanston negatively. There is no doubt that the milieu in which Swanston operated was toxic and that losing peoples' money, inadvertently or otherwise, was one of life's great, unforgiveable sins.

In the wind up of Swanston's affairs, which took four years, his personal creditors received ten shillings in the pound. The Derwent Bank ended with a small surplus, which was distributed to shareholders.[178]

Several conclusions can be reached from this account of the operations of the Derwent Bank. The most obvious is that even the most clever and ambitious settlers under-estimated the costs of establishment in a new land. They may have arrived with a large sum to purchase their holdings, but still needed banks to borrow for fencing, stock, shelter, equipment, labour and general infrastructure. In their desire to emulate the social strata and mores of the mother country, many lived beyond their means. The 'liberality' of the Derwent Bank led to a huge extension of credit. The change in the convict system − from the granting of almost free labour to the introduction of the probation system – seriously undermined the economic model upon which their fortunes were anticipated.

[173] WH Hudspeth, 'The Rise and Fall of Charles Swanston', *Papers and Proceedings of the Royal Society of Tasmania,* (Hobart, 1949), pp 1-16.
[174] Butlin, 'Charles Swanston'; Hudspeth, 'The Rise and Fall', p 3.
[175] *Ibid*, pp 4-5, p 9.
[176] *Ibid*, p 12.
[177] Hartwell, *Economic Development*, p 101.
[178] Butlin, 'Charles Swanston', p 183.

Complicating Swanston's decision-making was the time lag between significant events in Britain and Europe and knowledge of them in Van Diemen's Land. His attempts to secure investors by becoming a mortgage bank may well have been successful had not the price of real estate collapsed so dramatically during the 1840s depression. Swanston's decision-making was not as 'autocratic' as his biographer and others have made out. [179] Correspondence in the *Derwent Bank Papers* shows he regularly sought the opinion of the other accessible co-director, Anstey, although we can never know the full extent of that consultation because Swanston's side of the correspondence is not available. Another conclusion related to the times, clearly articulated by Hartwell, is that the 1840s depression, by causing the first major crisis in public finance, by making unworkable the convict system, and by generally heightening tempers, was a spur to societal activism and eventual self-government.[180]

It is a sad irony that as Swanston relinquished his honoured positions and left the colony, the economy began to revive. Hartwell points out that Denison's financial minute of September 1848 was the most optimistic in six years, foreshadowing expansive public works such as roads, wharves, bridges and buildings.[181] The public finances of the colony were most satisfactory and the end of transportation and the attainment of self-government were in sight.[182]

The Van Diemen's Land Bank and the Commercial Bank survived the depression. The Van Diemen's Land Bank continued until August 1891 when mineral prices fell and certain mining ventures reneged on loans.[183] John Dunn steered his Commercial Bank shrewdly until his retirement in 1857.[184] As one old settler noted, 'money has had its influence' and,

[179] C Swanston, 'Swanston, Charles'.
[180] RM Hartwell, 'The Van Diemen's Land government and the depression of the eighteen forties', *Historical Studies: Australia and New Zealand*, Vol 4, No 15, 1950, p 186.
[181] Hartwell, *Economic Development*, p 250.
[182] *Ibid*.
[183] B Felmingham, 'Banking and Finance', *The Companion to Tasmanian History*, ed. A Alexander, (Hobart, 2005), p 38.
[184] *Ibid.*

as Dunn rose in society, few people were aware of Dunn's days as huckster at the 'verandah store' and his earlier financial dealings.[185]

[185] Meredith, 'Notes by Charles Meredith MHA'. Dunn's son, John, became a member of the House of Commons, son James Alfred served in both the Tasmanian House of Assembly and the Legislative Council. Eardley-Wilmot, Wessing, 'Dunn, John (1790-1851)'.

CHAPTER 3: POLITICS IN THE LEGISLATURE

> In the worst times the sentiments and habits of Englishmen tempered the operation of power. Settlers fresh from English society could not discard the opinions and principles cherished in Great Britain; nor could the rulers of the day forget that their conduct would be judged, not by the standard of continental despotism, but by English systems of government.[1]

Swanston was a member of the Van Diemen's Land Legislative Council throughout its most turbulent years. Initially appointed as a 'non-official' by Lieutenant-Governor Colonel George Arthur in July 1832, he was reappointed during the terms of successive lieutenant-governors Sir John Franklin, Sir John Eardley Eardley-Wilmot and Sir William Denison to serve until August 1848.[2] Two extraordinary political events occurred during this period – Franklin's controversial suspension of his Colonial Secretary, Captain John Montagu, in January 1842, and the walk-out of half the members of the Legislative Council in October 1845, leaving Eardley-Wilmot without a quorum and without an Appropriation Act. As a result of such upheaval both vice-regal representatives were recalled. Both considered themselves victims of conspiracies, and Swanston as a central antagonist.

While steadily advocating more democratic measures, in his early terms as MLC Swanston worked conscientiously within the governance structure imposed by the British Government. He tried to produce better budgets, offered advice on economic and social issues and represented the interests of primary producers and the business community. From first taking his seat, Swanston's particular grievance was colonial revenue being used for the maintenance of police and jails incurred by Britain's policy of transportation. His criticism grew with the deepening of the depression. He became increasingly frustrated at the inability of the administration to alleviate the distress. The financial stress was the spur that linked Swanston, fellow MLCs and other settlers in revolt and a campaign for the liberties and property rights they regarded as their birthright. Some of their measures were extreme.

[1] J West, *History of Tasmania*, Vol 2, (Launceston, 1852), p 339.
[2] Excluding the period between October 1845 and March 1847 when a temporary council was in place.

This chapter examines Swanston's contribution to Van Diemen's Land's governance at significant historical turning points. Major themes are public life in a penal colony; administrative transparency; colonial self-sufficiency; and lastly, Swanston's resignation from the council. Swanston's falling out with Franklin had such momentous consequences that it is treated separately as the sole subject of the following chapter, Chapter 4 – A Fracturing of Power.

Public life in a penal colony

The colony that Swanston encountered in June 1829 was under absolute authority. The despot was Lieutenant-Governor Arthur, a skilful man with religious zeal and a military background who had just completed his fifth year in Van Diemen's Land. A strict disciplinarian, Arthur did not seek popularity. He perceived his mission as administering a penal colony and reforming its inmates.[3] He was adept at squashing dissent. The notion of a 'crushing system' was abroad, even if exaggerated, during his administration.[4] John West wrote that Arthur 'preferred military men: they were without colonial scruples, and when the government was unconcerned, perhaps, without partiality'.[5] Stefan Petrow cites a letter from an officer of the 63rd Regiment, Major Sholto Douglas, which demonstrates not all army officers were comfortable with Arthur's methods.[6] Douglas dared to point out in a personal letter to the lieutenant-governor that people considered his judgements unjust and were opposed to the extraordinary power invested in him in holding the public purse with Crown land and convict labour at his disposal.[7] It is unlikely that Douglas was the only officer appalled, or intimidated, by Arthur.

The balancing act for Arthur was how to maintain his authoritarian regime, while answering to the Home Office and the systems of British justice and governance. He was frequently hamstrung because his decisions were subject to the veto of the Colonial Office in London, operating on its own agenda at lengthy time and distance away from Van Diemen's Land.

[3] AGL Shaw, 'Arthur, Sir George (1784–1854)', *Australian Dictionary of Biography,* (hereafter *ADB*), Vol 1, (Melbourne, 1966) pp 32-38; LL Robson, *A History of Tasmania*, Vol 1, (Melbourne, 1983), pp 137-139).
[4] J West, *History of Tasmania*, Vol 1, pp 162, 180-181.
[5] *Ibid*, p 179.
[6] S Petrow, 'Persecutions of Power: Arthur's Rule in Van Diemen's Land', *Papers and Proceedings Tasmanian Historical Research Association*, Vol 48, No 1, 2001, pp 65-8.
[7] *Ibid.*

The other three lieutenant-governors during Swanston's time were the amiable and initially popular Sir John Franklin (1837-1843), Sir John Eardley Eardley-Wilmot (1843-1845), both of whom suffered painful personal criticism as well as facing the bleakest period of the 1840s depression, and Sir William Denison (1845-1855), whose term was marked by an intense public campaign against transportation. As WA Townsley points out, during these years major constitutional conflicts arose.[8] The years of struggle leading up to the establishment of responsible government in 1856 were seething with excitement and political strife. Townsley attributes the high level of conflict and its ultimate result to the body of enlightened opinion that existed in the colony.

When Swanston visited Hobart Town on furlough between June 1829 and April 1830, Arthur was working out how to manage a Legislative Council foisted upon him by the Colonial Office. This had formed as a small Crown Council in 1826 following the administrative separation of Van Diemen's Land from New South Wales and had been reconstituted and expanded under the *Huskisson Act* of 1828.[9] The Legislative Council comprised a block of senior government officials and appointees representing commercial, agricultural and profession sectors, known as the 'non-officials'.[10] A small executive council comprised the top officials. The reconstituted body had not yet met, perhaps due to changes occurring among Arthur's senior officials, although more likely due to Arthur's reticence in coping with his subjects. Arthur had told Colonial Secretary Huskisson in November 1828: 'The Executive Council is not the most comfortable assembly, and as I feel it an intolerable burden to meet, I have convened them as seldom as a sense of duty would allow.'[11] Arthur's patronage in helping Swanston take William Henry Hamilton's position as managing director of the Derwent Bank is detailed in Chapter 2. Taking Hamilton's place in the Legislative Council appears part of the deal struck on the eve of Swanston's return to India to prepare for his emigration.

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[8] WA Townsley, *The Struggle for Self-Government in Tasmania 1842–1856*, (Hobart, 1951), pp i–ii.
[9] Earl Bathurst's order for creating Van Diemen's Land as a separate colony provided for the first ever use of an executive council in any English colony and, therefore, VDL's executive council was the first in the empire, 'Twin Councils: the Executive Council and the Legislative Council of Van Diemen's Land', *Parliament of Tasmania,* http://www.parliamentary.tas.gov.au/php/ExC1825.htm, accessed 11 August 2015. The *Huskisson Act 1828* provided for the council to consist of between ten and fifteen members, half government officials and half appointees of the lieutenant-governor. The appointees were colloquially called 'non-officials'.
[10] Townsley says the non-officials were selected on the ground of 'intelligence, wealth and respectability' and in no sense constituted an opposition, Townsley, *The Struggle*, p 62.
[11] 'Twin Councils', http://www.parliamentary.tas.gov.au/php/ExC1825.htm, accessed 11 August 2015.

After twenty-three years in the Army of the Honourable East India Company and a renowned battle hero, Swanston fitted well into Arthur's tight little circle.[12] He was tough, intelligent and a man of the same calibre as Arthur. He was used to working within a military hierarchy, towards large strategic ends and always with the imperative to win. This was his training. Moreover, he was financially competent, worldly, ambitious and of the same generation as Arthur. Historians Max Hartwell and Jacqui Lane note that Swanston was 'a good example of previous success founding colonial success'.[13]

When his appointment to the Legislative Council was gazetted in July 1832 rumblings appeared in the press that Swanston did not fit the bill for the commercial man so vitally needed, implying also that it was through cronyism he had been appointed. There was consternation that Hamilton, already acknowledged to have been 'all powerful' at the governor's court, actually had the 'paramount influence' of naming his successor.[14] The appointment again raised colonists' agitation for a representative House of Assembly and stimulated the call for a public meeting to petition the King.[15] Fortunately for Swanston, the outrage expressed in the newspapers related to Swanston's connection with the Derwent Bank, 'a truly government establishment', rather than against him personally. One article said, almost apologetically:

> Of Captain Swanston we have the highest opinion, both as a man of business and as a gentleman; but then again – is an officer of the East India Company's Service, who has only resided a few month's among us, a fit and proper person to legislate for the Colony? [16]

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[12] Arthur's two nephews-in-law, Captain John Montagu and Captain Matthew Forster, soon-to-be powerful in Van Diemen's Land, were not present during Swanston's visit. Montagu had taken leave from his position as Clerk of the Executive and Legislative Councils to visit England. He was formally appointed Colonial Secretary in August 1835 after John Burnett left the colony on twelve months leave of absence. J Reynolds, 'Montagu, John (1797–1853)' *ADB,* Vol 2, (Melbourne, 1967) pp 248. Forster did not arrive in the colony until August 1831, AGL Shaw, 'Forster, Matthew (1796–1846)', *ADB*, Vol 1, (Melbourne, 1966), pp 404-405.

[13] M Hartwell and J Lane, *Champions of Enterprise: Australian Entrepreneurship 1788–1990*, (Double Bay, NSW, 1991), p 91.

[14] *Colonial Times*, 24 July 1832, p 2, and letter-to-the-editor, signed "One of the Signers of the Requisition to the Sheriff', p 3.

[15] As if to demonstrate his usefulness, Swanston attended this meeting and seconded a resolution expressing settlers' concern about colonial revenue being abstracted by means of exchange drawn by the Colonial Agent in London upon the Colonial Treasurer of the colony and diverted from the purposes sanctioned by law, *Colonial Times*, 14 August 1832, p 2.

[16] *Ibid.*

It is notable that few, if any, men of Van Diemen's Land appointed to the Council had ideal credentials for taking on the role: in this sense Swanston was as fit and proper as anyone. The social and intellectual capital he offered included sound knowledge of trade and commerce, experience of British administration in India, financial adeptness, a background in military strategy and organisation, a keen and practical mind, a powerful network of friends and associates in the colony and abroad, an ambition for the colony and an easy way with men of his own calibre. Swanston organised his three distinct roles – as banker/financier, merchant/entrepreneur and MLC − to complement each other and his own interest. He rode over the criticism and resolved to demonstrate his worthiness.

Swanston had time to prepare because Arthur delayed calling the council together until late August 1833. Other legislators who took the oath on the same day as Swanston were business and banker Charles McLachlan *vice* the late Edward Abbott, Attorney-General Edward Macdowell, Collector of Customs William Proctor and John Montagu then temporarily in the position of Colonial Treasurer.[17] Officials already in their seats were the Chief Justice Sir John Pedder, Colonial Secretary John Burnett and Senior Chaplain Reverend William Bedford. The non-officials were wealthy squires Thomas Archer of 'Woolmers', Longford; Thomas Anstey of 'Anstey Barton', Oatlands; James Cox of 'Clarendon', Nile; Richard Willis of 'Wanstead', Campbelltown; James Gordon, Police Magistrate at Richmond and merchant John Kerr.

Swanston's first session in the Legislative Council was dominated by fundamental matters of governance, among them bills for establishing standard weights and measures, regulation of customs, better preservation of the ports and harbours, conveyance and postage of letters, more effectual punishment of male offenders, extending certain English statutes to Van Diemen's Land, licencing regulations of various sorts and the governor's powers to grant letters of denization to aliens. The conflict that Arthur had come to so fear – any split between his officials and the 'non-officials' – emerged within the first few weeks. On the issue of customs, the press noted that five government officers voted for rating *ad valorem* duties on the market prices of articles, while the members against the proposed measure

[17] Votes and Proceedings for 28 August 1833, *Manuscripts Votes & Proceedings 12-04-1826 −7-09-1839*, Tasmanian Parliamentary Archives (hereafter TPA).

were Swanston, McLachlan, Kerr and Willis. Colonial Secretary John Burnett showed his independence in voting with the mercantile interest.[18]

Swanston was member of a committee asked by the Lieutenant-Governor to consider and report on the estimated appropriation of revenue for the current year and for 1834. He assisted with the estimates over the rest of his career on the legislature. Another useful contribution was his introduction, in September 1834, of a Bill to render Calcutta Sicca rupees, South American dollars and United States dollars legal tender in Van Diemen's Land.[19] This proposal was primarily intended to make up for the shortage of sterling in circulation and resulted in a wide variety of currencies circulating as legal tender in the colony for some years. The introduction of the Sicca Rupee is discussed in more detail in chapter 5.

Swanston's political network extended throughout Van Diemen's Land, the other Australian colonies, India and to England and Scotland. When it suited, he used his reputation as a veteran of British India and as a merchant of the empire to press political issues in London. The power he wielded as a banker in Van Diemen's Land was immense. His associations with Van Diemen's Land power-brokers were strengthened by the marriages of two of his daughters into prominent families. As mentioned previously, on 24 June 1835, Swanston's eldest daughter, Laura, married barrister Edward Macdowell (1798-1860), .at the time Solicitor-General.[20] Edward was brother to Thomas Macdowell, the fractious editor of the *Hobart Town Courier* and later his own paper the *Van Diemen's Land Chronicle*. Swanston's next daughter, Catherine, known as Kate, married Edward Willis of Wanstead, the son of Legislative Councillor and erstwhile wealthy wool grower, Richard Willis (1777-1855) on 12 September 1840.[21]

As MLC, Swanston's time was taken with all the usual business of government. While the political dramas are most interesting to historians, press reports and official records show much of the Council's energy was consumed in earnest debates and resolutions on matters

[18] *Colonial Times*, 10 September 1833, p 4.
[19] *Hobart Town Courier*, 5 September 1834, p 3.
[20] *Cornwall Chronicle*, 27 June 1835, p 2.
[21] *Tasmanian Names Index*, TAHO; PR Eldershaw, 'Willis, Richard (1777–1855)', *ADB,* Vol 2, (Melbourne, 1967), p 604.

as diverse as whale fishery preservation, currency regulation, the welfare of women and children, salaries for pastors of all denomination, education, dog licencing, liquor laws and the annual Estimates. The records of the Legislative Council show that Swanston was a proactive contributor, legislating, debating and bringing forward petitions.[22] Most of Swanston's council colleagues penned him a line or two about affairs of state during his many years in the chamber, especially Anstey and Archer, appointees from the initial term in 1826. Both men had warrior-like stamina and both served conscientiously for nearly two decades. Through their eyes emerges a clearer picture of the enigmatic Swanston.[23]

Archer's relatively formal correspondence to Swanston shows a concern for the colony's administration and a respect for Swanston's Hobart Town-based insights and judgement. On the other hand, as illustrated in previous chapters, the voluminous correspondence from Anstey reflects a deep friendship, as well as common sentiment. Both Anstey and Swanston appreciated the administrative skills of Arthur and were appalled by the shortcomings of his immediate successors, Franklin and Eardley-Wilmot. No doubt today Anstey and Swanston would be called members of the 'Arthur Faction' and, although the label was known to them in their time, it is doubtful that they would have accepted it unequivocally. Both prided independence of mind. Anstey retired from the Legislative Council in June 1844, but retained considerable sway in public affairs, especially through his influence on Swanston.

In terms of friendship, Swanston had another staunch ally in Captain Matthew Forster, Chief Police Magistrate and Comptroller-General of Convicts. Forster's letters to Swanston portray a strong sense of empathy with Swanston, for example, his sympathy when the Swanston household was flattened by whooping cough.[24] Forster's humane side is noticeable in his concern for the many children 'along the road' suffering this epidemic.[25] Forster arranged for all the spare apples from the government gardens in Hobart Town to be sent daily to the schools, asking Sir John to stop supplies to private individuals so that this could continue.

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[22] The records of the early sittings of Council are minimal, being the Clerk of Council's summaries entitled 'Votes and Proceedings' rather than Hansard. The clerk's summaries were printed in the press, often augmented by comment in adjacent columns.

[23] Anstey's friendship, and regular correspondence, with Swanston is discussed in the introduction to this dissertation.

[24] Forster to Swanston, 26 March (c 1844), Box 25/11, *Derwent Bank Papers*, Tasmanian Archive and Heritage Office (hereafter TAHO). Forster accompanied his note with some good quality arrowroot which his wife had sent to Georgiana to help the Swanston children's recovery.

[25] Forster to Swanston, 15 March, no year (? 1844), Box 25/11, *Derwent Bank Papers*, TAHO.

The demands of the sittings of the Legislative Council must have been considerable, and often dreary, dragging late into the night and including Saturdays. Anstey sometimes begged illness to avoid the long journey to Hobart Town when no specific issue needed his vote. He kept track of proceedings through correspondence with Swanston and by following the newspapers. Through Anstey's eyes, it is possible to see that Arthur was working for the betterment of the colony, but neither Anstey nor Swanston denied that he was unpopular with the people. Anstey attributed this to Arthur being let down by his officers. He pondered on whether the 'mania' for Vandemonians purchasing land in New South Wales was because the machinery of government was less complex there. 'That may be one reason for this strong desire of change,' Anstey wrote. 'It must be allowed that the Heads of some of our Public Departments do their best to make people discontented. Poor Col^{n} Arthur bears the blame for many silly doings, of which he is perfectly ignorant … It was not so when our Machinery was more simplified.'[26]

There is no evidence of Swanston's reaction to the appointment of Arthur's successor. It was perhaps like Anstey's: a sense of excitement that an honoured Arctic explorer was coming and an expectation that in him the colony would find 'a determined and an off-hand man as Governor'.[27] Within a couple of years Franklin had fallen in both men's estimation. By then Swanston had assumed the lead among the non-officials, a point noticed on the other side of the world by Arthur, then serving as lieutenant-governor of Upper Canada. Writing to his nephew Montagu, Arthur observed: 'This is as it should be, and, in the end, Sir John Franklin will thank him [Swanston] for it. It does a Governor good to feel the Curb a little, for the evil spirit gives every man in power spur enough.' [28]

Anstey's criticism of Franklin heightened around 1839 as he disagreed with more and more of Franklin's decisions and actions. In August 1839 he wrote:

[26] Anstey to Swanston, 18 May 1835, Box 32/9, *Derwent Bank Papers*, TAHO.
[27] Anstey to Swanston, 29 August 1836, Box 32/9, *Derwent Bank Papers*, TAHO.
[28] Arthur to Montagu, 30 December 1839, CR Sanderson, ed., *The Arthur papers: being the Canadian papers, mainly confidential, and demi-official of Sir George Arthur, KCH, last Lieutenant-Governor of Upper Canada, in the manuscript collection of the Toronto Public Libraries,* reference 1082, Vol 2, p 370.

> Really the situation of poor Sir John is most awful and all brought upon himself by weakly allowing his own officers to oppose and beard him. How differently Sir Geo Arthur would deal with the refractory and contumacious officers.[29]

Swanston dined often at Government House, sometimes accompanied by his wife and daughters,[30] until the latter quarter of 1841 when the tension between Franklin and Montagu was making life uncomfortable for all parties. After Franklin suspended Montagu, on 25 January 1842, Swanston was invited only in his official capacity as Member of the Legislative Council.

Concurrent with his service on the Legislative Council, Swanston was operating on a more global stage in his import-export enterprises (see Chapter 4). Throughout the late 1830s and early 1840s he was campaigning for title to the land settled by members of the Port Phillip Association across Bass Strait (see Chapter 6). His hands were full.

Administrative transparency

Arthur found meetings of his council exacting and disliked divulging any aspects of his governance. At the time of the reconstituted Legislative Council, the press was alert to Arthur's dilemma and was insisting on its right to know what transpired in the council.

The week before the resumption of its meetings in August 1833 after a long lapse, the *Colonial Times* expressed the desire that the Council Room no longer be 'hermetrically [sic] sealed' to the public. It pressed for the doors to be thrown open, as in Sydney:

> so that if we are denied the privilege of electing our own Council, at least we may have the satisfaction of knowing, and lauding, such of its members as may stand up for the rights and interests of the people. The time, we hope, is arrived, when close door-work will not be sanctioned, and if a system so unnational is persisted in, as was the case last time the Council met (owing to the legal opinions of a certain influential), we say if such secrecy be permitted, reform has yet done no good to Van Diemen's Land.[31]

[29] Anstey to Swanston, 31 August 1839, Box 32/14, *Derwent Bank Papers*, TAHO.
[30] Jane Franklin, *Dinner Engagement Book 1837–1843*, RS 18/3, http://eprints.utas.edu.au/7806/. Notably, the last time the Swanstons accepted an invitation to dinner was on 14 September 1841 in the company of Mr and Mrs Edward Macdowell and Mrs and Mrs Willis (their two elder daughters and sons-in-law), among other guests.
[31] *Colonial Times*, 20 August 1833, p 2. Presumably 'unnational'conveys 'un-British'.

Such views were supported by others. In the early days of the sitting, the Collector of Customs William Proctor moved that a petition be considered from editor RL Murray requesting admission to the council meetings. Colonial Secretary Burnett seconded Proctor's motion and reasoned that more open proceedings would inspire more community confidence in the council. Arthur questioned the council's competency to permit 'strangers' into the chamber, arguing that if His Majesty's government had intended that strangers should be admitted, it would have so intimated.[32] Victor Korobacz states that Arthur had told Secretary of State, Lord Goderich, that extensive publication of council proceedings or the admission of strangers would bring too much attention to the council and that the malcontents would take every opportunity to cause the government trouble by calling forth 'a strong expression of public feeling and originating opposition to measures which would otherwise have been unanimously adopted'.[33] Swanston kept his own views on the subject quiet until August 1834 when on two consecutive days he presented separate petitions from the co-proprietor of the *Tasmanian*, RL Murray, and the proprietor of the *Courier*, Dr Ross, praying for admission to sittings of the Council.[34] Both petitions were read and received. On the second occasion Swanston gave notice of his intention to move the following Tuesday certain resolutions 'having for their object the more extensive promulgation of the proceedings of the Council'.[35] However, when that day arrived, Swanston withdrew the notice and his resolutions were not made known.[36] Presumably someone had dissuaded him from pursuing this course. Anstey was quick to console, observing that if Swanston's motion had been carried the public would have considered the council 'less of a nuisance'.[37] He confided that the council, as a body, was held in 'general disesteem' in all parts of the colony. The objection was not to the individual members, but to the original construction and a loathing for certain officials. Debate about some legislation also frustrated Anstey and perhaps highlighted one real reason why the higher power did not want the chambers opened to the press. Anstey's major lament was that Van Diemen's Land was not able to benefit from reforms taking place in English law. While legal

[32] *Ibid.*
[33] V Korobacz, 'The Legislative Council of Van Diemen's Land 1825−1856: A study in some aspects of the development of a colonial legislature', MA thesis, University of Tasmania, 1971, p 99.
[34] Votes and Proceedings for 22 and 23 August 1834, TPA.
[35] *Ibid.*
[36] Votes and Proceedings for 26 August 1834, TPA.
[37] Anstey to Swanston, 3 September 1834, Box 32/9, *Derwent Bank Papers*, TAHO.

fictions that inflicted grievous evils 'at home' were being swept out of Westminster Hall forever, these antiquated forms were being retained the colony.[38]

The chamber's doors remained closed to the public until Franklin's first session of July 1837.[39] The novelty of the first sittings of open meetings secured a good attendance, but Franklin's image was not necessarily enhanced by the exposure. Lloyd Robson records that the opening of the proceedings rebounded on Franklin because 'his indecisiveness there weakened his authority as it became more publicly notorious'.[40] As observed by John West, the 'desultory and heavy discussions' also tried the patience, and the public benches were soon deserted.[41] West noted, however, that the principle of open debate was invaluable, reporters were there, and 'the public could read in an instant what it required hours to gather'.[42]

Colonial Self-sufficiency

A constant grievance of Swanston's was about money earnt in and by the colony being repatriated to England. This was the first issue he took up on his appointment to the Legislative Council and remained a major refrain until his resignation sixteen years later.

In October 1833 Swanston formally protested in the Legislative Council about revenue from land sales going to the British Exchequer. He argued that instead it should be put towards public buildings, roads, bridges and other improvements for the wellbeing of the community.[43] He said the colonists, while struggling against all the difficulties to which every new people were subject, could not effect those improvements from their own resources. He pointed out that the public improvements of New South Wales had been made mostly by convict labour, at the expense of Great Britain. This had enabled the colonists there to make exertions of which Van Diemen's Land was 'utterly incapable'. Swanston argued that Van Diemen's Land colonists had the most just claims on the revenue of the colony, derived

[38] *Ibid.*
[39] Craig Joel reinforces the point that Franklin alone should not be credited for opening the doors to press and public. The measure had been under consideration by the Colonial Office for several years, CR Joel, *A Tale of Ambition and Unrealised Hope,* (North Melbourne, 2011), p 93.
[40] Robson, *A History of Tasmania*, p 374.
[41] West, *The History of Tasmania*, Vol 1, p 195.
[42] *Ibid.*
[43] *Hobart Town Courier*, 18 October 1833, p 3.

from whatever source, if only as compensation for the relief afforded by them to Great Britain in the support of 10,000 of her transported convicts. Their claims should be attended to before the revenue was appropriated for the benefit of the mother country, or in any way directed into foreign channels, he emphasised. Other arguments of his seven-point protest were that the impost of supporting British pauperism was of 'no colonial benefit' and that 'poorhouse prisoners' were as demoralised as 'gaol prisoners', that the cessation of free land grants in proportion to wealth would reduce the flow of yeomanry, and that such measures would cause permanent and serious injury on the colony, the local government, trade and commerce and banks.[44] Swanston warned also that by having to narrow their operations the banks would crush the only financial materials which the colony possessed and thereby produce 'a convulsion'. His protest concluded with the assertion that it would only be necessary to appeal to the 'justice and generosity' of His Majesty's ministers to induce them to forego 'a measure of so ruinous a tendency.'

Swanston's protest, dated 10 October 1833, was counter-signed by fellow councillors McLachlan, Willis and Kerr. It earned him the praise of settlers and the press, including that of the sister colony.[45] Although raising the question of compensation for the colony being used as Britain's jail, the protest was not overtly against transportation at this stage, but its cost and scale. Swanston was too shrewd to mount an argument that would put him at odds with Arthur whose first objective was to make Van Diemen's Land an effective jail.[46] Swanston walked a tightrope between wanting to vindicate his decision to settle and establish business in Van Diemen's Land and obliging Arthur's desire, described by West, 'to prolong its destination.'[47] Besides, Swanston well recognised the value of a cheap labour force for developing the colony. He would also have been aware of the many major public works undertaken with convict labour.

[44] *Hobart Town Courier*, 18 October 1833, p 3. In 1831, Britain had replaced free grants (in proportion to the settlers' assets) with land sales at public auction, A Rand, 'The Land Commissioners, *The Companion to Tasmanian History*, ed. A Alexander, (Hobart, 2005), p 206.
[45] *Ibid*; *Sydney Herald*, 14 November 1833, p 2; *Sydney Gazette and New South Wales Advertiser*, 16 November 1833, p 2; *Sydney Monitor*, 16 November 1833, p 4.
[46] Shaw, 'Arthur, Sir George', p 32.
[47] West, *The History of Tasmania*, Vol 1, p 179.

The agitation against money from land sales returning to the mother country rumbled on. In August 1836, presenting his final Estimates before departing the colony, Arthur reported that British Government had determined that any surplus from the land revenue, or any other casual revenue of the Crown, could be retained by the colonial treasury, but that the expenses of police establishments and jails were to be transferred to the Colony after 1 July 1836.[48] Against this measure, six non-official members mounted a strong protest, insisting that the allocation of £24,289.1s.9d, out of a total allocation of £121,472.17s.3d, would inflict serious injury on the colony.[49] They claimed the object of transportation was to restrain crime in Great Britain and the removal of criminals from there was an immense saving to the mother country. They argued the colonial treasury was already burdened by the high costs of the judicial establishment and was paying for food and clothing for 7,000 prisoners of the Crown. The petition gloomily concluded that the influx of 'moral pollution' had doomed the colony for ever to be the jail of Great Britain and never to rise to any rank amongst British colonies.[50]

Two days after the MLCs' protest, Colonial Treasurer, John Gregory, effectively sabotaged new attempts at reform by conceding that, while the expense of the police was much higher in Van Diemen's Land than in a colony without convicts, every colony should bear the cost of its own police. He suggested that if His Majesty's Government would consent to defray the surplus of expense beyond the amount which the colony would have to bear were there no convicts, 'the Inhabitants would cheerfully defray the remainder'.[51] The idea of sharing the costs of the police department between the local and imperial government as a compromise thus gained impetus. However, how to do it could not be agreed. From that date onwards the drain on the economy of the large allocation to police and jails was a gnawing irritant to Swanston and many others. As West put it: 'the estimates were accompanied by an annual protest against entailing on the colony any pecuniary consequence of British crime'.[52]

[48] Arthur, Minute to the Legislative Council, *Hobart Town Courier*, 12 August 1836, p 4.
[49] Charles Swanston, Thomas Anstey, John Kerr, Charles McLachlan, Richard Willis and Walter A Bethune.
[50] *Hobart Town Courier*, 19 August 1836, p 4.
[51] *Votes and Proceedings* for 13 August 1836, TPA.
[52] West, *History of Tasmania*, Vol 1, p 239.

Petrow points out that in 1835 Van Diemen's Land was one of the most heavily policed societies in the world, with one policeman to every 88.7 people.[53] Arthur attributed the colony's low crime rate and absence of disorder to the efficiency of his police. In 1837, under Franklin's administration, the Estimates for 1838 proposed nearly £25,000 for the Police Department. The *True Colonist* made the point that this constituted nearly twelve shillings a head for every man, woman and child on the island.[54] It represented about one-sixth of the proposed budget. Swanston and Anstey put an amendment that only one-third of the expense should be defrayed by the colony 'it being the opinion of this Council that the remaining two-thirds should be provided by His Majesty's Government'. The votes being six for and six against, Franklin used his casting vote to defeat the amendment.[55]

After objecting to the burden imposed by British on the colony's revenue again in 1838, Swanston and other like-minded non-officials received copies of a resolution signed by fifty-six inhabitants of the district of Campbelltown thanking them for their 'praiseworthy patriotic and constitutional conduct'.[56] When the issue arose again in June 1839 during discussion of the Estimates for 1840, the proposed allocation was £24,741.2.6.[57] Swanston notified Anstey that his vote was needed on the matter. Anstey replied return post that he would catch the morning coach and be in town by noon and, because the Archdeacon[58] might not be in his seat, 'the phalanx' would be strong enough to throw out the police appropriation.[59] As predicted, on the Friday the Archdeacon was absent. The council approved all sections of the Estimates except the allocation to the police department. By a vote of seven 'ayes' and six 'noes' it agreed that £8,247.0.10 only be applied to this

[53] S Petrow, 'After Arthur: Policing in Van Diemen's Land 1837−46, *Policing the Lucky Country'*, ed. M Enders & B Dupont, (Sydney, 2001), pp 176-98.
[54] *True Colonist*, 21 July 1837, p 4.
[55] *Votes and Proceedings* for 20 July 1837, TPA.
[56] Wood to Swanston, 26 August 1838, Box 23/2, *Derwent Bank Papers*, TAHO. Wood chaired the meeting at Campbelltown which also supported Swanston's objection to money being paid out of the public purse as compensation to Mr Lewis for the controversial conviction imposed by Judge Algernon Montagu in the Lewis Case of 1835−36.
[57] *Votes and Proceedings* for 14 June 1839, TPA; *Hobart Town Courier*, 14 June 1839, p 2. This amount represented more than one-fifth of the total budget of £118,937.19.3.
[58] Venerable William Hutchins, Archdeacon of Van Diemen's Land.
[59] Anstey to Swanston, 13 June 1839, Box 32/14, *Derwent Bank Papers*, TAHO. Anstey's prescience that the Archdeacon would not be present was based on the fact that the Archdeacon had not attended when the issue was raised in the previous session.

service.[60] The 'non-official', William Ashburner, made a brief attempt to adjust the agreed proportion to two-thirds of the total allocation. By the Monday he had been talked around and joined Anstey to put a motion stating that one-third of the Estimates was a fair burden on the colony and the remaining two-thirds should be defrayed by the British Government. The motion was supported seven to five.[61]

The numbers of convicts arriving reached a record high during Franklin's time, but the home government ignored the Legislative Council's plea. Swanston was affronted by the abandonment of what he understood to be the established order of governance during the stresses of the Franklin era. As illustrated in Chapter 2, in the grip of the depression Swanston despaired about the growing number of insolvencies and the cost of sustaining the growing number of prisoners. In February 1843 he wrote to John Montagu:

> …Should the Home Government persist in sending the convicts from all parts of the world to this Colony and make it the general prison, property will be in a few years valueless and not a place fit to live in … Latterly everything has come to a standstill and the wheels of Govt are locked. Mr Boyes having turned out a complete failure. The Water Works, Bridges etc. are no far advanced as when you left the colony. [62]

The forceful settler Thomas Gregson, appointed to the Legislative Council by Franklin, was another concerned about the impact of the increasing arrivals of convicts. He took up the issue with all the energy and 'spirit of revolt' for which he was renowned.[63] Gregson and Swanston at this stage were anything but friends, although on this matter they concurred.[64]

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[60] *Votes and Proceedings* for 14 June 1839, TPA.
[61] *Ibid,* 17 June 1839.
[62] Swanston to Montagu, 17 February 1843, *Letterbook*, RS9 (3), p 260-2, UTA. (Mr Boyes had succeeded Montagu as Colonial Secretary.)
[63] FC Green, 'Gregson, Thomas George (1798−1874)', *ADB*, Vol 1, (Melbourne, 1966), p 475; J Reynolds, 'Thomas George Gregson', *Service*, March 1953, p 62-64; RJ Brain, 'Thomas Gregson: A Tasmanian Radical', MA Thesis (not submitted), University of Tasmania, 1955, pp 86-95. Brain describes Gregson as a political iconoclast, naturally intelligent, personally attractive and with an 'extremely strong emotional and egotistical temperament', pp ii, 8. Brain records that Gregson was a vehement opponent of Arthur, believing that Arthur's power in the allocation of labour and land imposed 'a slavish submission to his will', p 16. Gregson was determined to rid the colony of the 'Montagu faction', p 62.
[64] Both influential citizens of Hobart Town, Swanston and Gregson often opposed each other on public policy, for example, while Gregson supported sectarian supremacy in education with funds being placed under control of the Church of England bishop and his clergy, Swanston defended the civil rights of people against clerical domination, *Colonial Times*, 7 November 1843, p 7. Gregson resented Swanston's power over his finances, Box 40, *Derwent Bank Papers*, CRO31/1/29, TAHO. He also won a much-publicised libel suit over Swanston's cousin, John Dobson, Gregson to Swanston, 12 August 1840; *Launceston Examiner* 30 March 1844, p 3; *Colonial Times*, 28 May 1844, p 2. Swanston was dismayed by Gregson's appointment to the Legislative

In fact, the publicity given to Gregson's violent opposition has over-shadowed the consistent, measured argument that Swanston had sustained on this matter since his first days in the Legislative Council in 1833.[65]

Civil unrest

Little economic relief came with the arrival of Franklin's successor, Eardley-Wilmot, who had to cope with widespread hardship and resistance to any form of taxation. By 1844 the colony was virtually bankrupt and many colonists were facing insolvency. In his address to the Legislative Council in July 1844, Sir John admitted that the interval since the last council had been 'one of trial, and perhaps of gloom'.[66] Colonial opposition mounted toward both Whitehall and the Lieutenant-Governor. The probation system, which had been introduced during Franklin's administration, was another cause of dissatisfaction. Aimed at making convicts contribute 'to their own subsistence' and reduce the costs on the British Treasury by impounding the men in gangs, it deprived the landed settlers of cheap labour and exacerbated public objection to the 'influx of moral pollution'.[67] Swanston opposed the probation system on societal and ethical, as well as economic, grounds. He considered it encouraged idleness and gave scoundrels the opportunity to corrupt lesser offenders.[68] He considered 'herding' the women together 'total destruction' and that no reformation could take place until the gates of the female factories were thrown open, freely allowing the women to enter the services that pleased them: 'The greater majority will be reclaimed and many will become respectable mothers of families and become useful members of Society,' he stated.[69] Swanston doubted compulsory church attendance was enough to reform the prisoners, and questioned whether herding criminals together could result in anything but

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Council, additionally because he (Swanston) had been pushing for the appointment of popular Hobart Town merchant Robert Kerr, *True Colonist Van Diemen's Land Political Despatch*, 19 April 1844, p 2.

[65] Brain's biography of Thomas Gregson documents Gregson's opposition in the Legislative Council to the budget allocation for police and jails and accurately shows how Gregson led the 'walk out' of the 'Patriotic Six', but it does not portray Swanston's concurrent and longer-running opposition. Brain, 'Thomas Gregson', pp 86-95.

[66] *Courier*, 19 July 1844, p 2. Wilmot's hope that a brighter day was breaking did not convince settlers. Anstey predicted that the governor's speech would be reading well in England, but he could see nothing in it to save the colony and declared that there was 'nothing in the Lieutenant-Governor's proposals to butter our parsnips', Anstey to Swanston, 22 July 1844, Box 24/10, TAHO.

[67] LC Mickleborough, 'Victim of an extraordinary Conspiracy'? Sir John Eardley Eardley-Wilmot, Lieutenant-Governor of Van Diemen's Land', PhD thesis, University of Tasmania, 2011, pp 237-239.

[68] Response, u.d., to printed circular issued in 1846 by Eardley-Wilmot, Box 23/2, *Derwent Bank Papers*, TAHO; Anstey to Swanston, 26 September, Box 32/14, *Derwent Bank Papers,* TAHO.

[69] *Ibid*.

deeper moral degradation. Swanston believed a Commission of Inquiry should be appointed from England consisting of honourable men wholly unconnected with the colony and the system of transportation.[70]

The revenue for 1843 had been estimated at £130,720, but only £119,199.8s.7d had been gathered.[71] As the depression deepened, the value of rural produce declined, revenue from customs receipts decreased and extra costs were incurred by the employment of 686 ticket-of-leave men and pass-holders. Eardley-Wilmot regularly informed the Secretary of State for the Colonies, Lord Stanley, of the colony's deteriorating finances, but Stanley's main response was to instruct the Lieutenant-Governor to stop borrowing.[72]

With the colonial chest empty, Eardley-Wilmot resolved to tax rather than infringe Stanley's orders. He introduced a bill to raise duties on sugar, teas and foreign goods from five to fifteen per cent, and sought advice from a committee of the council on how the expenditure could be reduced and the revenue augmented.[73] Gazettal of a notice about duties to be levied under a proposed Hobart Municipal Bill for services such as lighting and paving, roused public spirit to a degree never before witnessed.[74] The general view was that the settlers had been abandoned and ignored by the home government. The cry rose 'No taxation without Representation'.[75] A large public protest meeting on 31 July 1845 endorsed a petition to the Lieutenant-Governor, declaring that the legislature of the colony did not have the power to tax without the people having the right of proper representation. A specific protest was against a loan to the government of £25,000 from the Commercial Bank, which the meeting claimed contravened the Act of Parliament governing the colony.[76] Settlers, chafing under the stringency of the times, abhorred watching their formerly flourishing colony turn into an immense jail.

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[70] *Ibid*.
[71] Mickleborough, 'Victim of an 'Extraordinary Conspiracy'? p 238.
[72] *Ibid*, pp 239-240.
[73] West, *History of Tasmania*, Vol 1, p 241.
[74] One newspaper claimed: 'For bread we have received a stone; where we expected a Municipal Bill, we have instead a taxation one', *Observer*, 15 July 1845, p 2.
[75] *Observer*, 25 July 1845, p 2; *Launceston Examiner*, 6 August 1845, p 7;
[76] *Courier,* 2 August 1845, pp 2, 3.

By mid-1845 economic hardship and unrest were widespread. With the aim of ending the autocratic regime and the probation system, leaders like Swanston and Anstey stealthily began undermining the Lieutenant-Governor.[77] Anstey intensified his lobbying of members of the House of Commons, writing to the editors of local papers and sending copies of Van Diemen's Land newspapers with letters to London.[78] 'The British Press is for us,' he told Swanston in May 1845, noting that certain representations had already appeared in some London and provincial papers.[79] 'Other hints of mine have gone home by nearly every ship, out of which the English Editors will mould articles in their own clever fashion,' Anstey reported.

People with some wealth but no extensive ties of family or property took the opportunity to get out of Van Diemen's Land and start again in Port Phillip or Adelaide or to return to Britain. Van Diemen's Land was becoming a less attractive place to live. Swanston was despondent and contemplating quitting, but was trapped by his responsibilities to the Derwent Bank and his dream for 'New Town Park'. The declining economic situation of the colony explains his despondency. As Lloyd Robson notes, 'the depression had rendered the colony bankrupt'.[80]

[77] The probation system, introduced in 1839, replaced the practice of servants being assigned as free labour to settlers, based on the principles that both punishment and reform could be achieved by separate confinement, hard labour, religious instruction and education. Gangs of prisoners worked on roads and other major infrastructure, housed in more than eighty probation stations around the island. The theory that at the end of their reformation they would be given paid work did not happen, partly because of the onset of the depression. Claims of idleness, misuse of funds and an increase in 'unnatural crime', were gaining currency by the mid-1840s, M Sprod, 'The Probation System', *The Companion to Tasmanian History*, p 290.
[78] Copies of letters to British MPs Joseph Hume and William Ewart published in the *Launceston Examiner* and signed by the non-de-plume 'CATO' bear the substance and tenor of Anstey's arguments, and authorship is undoubtedly Anstey, see Robert Pitcairn's reference in Robson, *A History of Tasmania*, p 426.CATO's letter to Hume carries descriptions of horrid disease among probation prisoners, *Launceston Examiner*, 31 January 1846, p 2; 7 February 1846, p 2. (The name 'Cato' derived from the Roman statesman, soldier and writer.)
[79] Anstey to Swanston, 8 May 1845, Box 32/14, *Derwent Bank Papers*, TAHO.
[80] Robson, *A History of Tasmania*, p 420.

Table 2: Government Revenue and Expenditure 1832−1848 (the years Swanston was MLC)[81]

Year	Total Revenue £	Total Expenditure £	Balance In Hand £
1832	91,976	67,199	26,430
1833	85,506	76,506	27,089
1834	94,179	117,866	38,522
1835	109,874	103,027	48,522
1836	128,137	129,879	34,482
1837	137,355	137,465	20,941
1838	127,709	133,681	16,853
1839	142,525	142,525	11,393
1840	179,116	151,050	27,958
1841	185,804	160,974	56,628
1842	143,711	185,072	76,408
1843	135,260	166,556	35,048
1844	164,332	160,630	2,690
1845	136,983	138,753	6,392
1846	123,200	122,777	4,622
1847	150,474	142,498	−
1848	129,545	136,193	−

In August 1845 Gregson presented a petition to the Legislative Council signed by thousands of free inhabitants of Hobart Town praying that the proposed Lighting and Paving Act, the Highway Bill, and other licenced taxes notified in the Gazette may not pass.[82] By a vote of eight to five, Gregson successfully had the Road Bill deferred, after a passionate speech

[81] RM Hartwell, *The Economic Development of Van Diemen's Land 1820−1850*, (Melbourne, 1954), p 238.
[82] *Votes and Proceedings*, 7 August 1845, TPA, p 157; *Courier*, 9 August 1845, p 2−3.

claiming nothing could be more monstrous than the proposed taxation when, if the Home Government paid its fair share, the colony would not be called upon for a shilling.[83] Colonial Secretary James Bicheno struggled to hold the point that it was the prerogative of the Sovereign to tax the people and that customs were not taxes. His analogy that the Mother Country was a hen and her colonies were her chickens was derided and resulted in Bicheno acquiring the appellation of 'the old hen' or 'the fat hen'.[84] On 15 August, again on the motion of Gregson, the Lighting and Paving Bill failed to pass, by the votes of the unofficial members of the council. [85] The press hailed this as vindicating the principle of 'no taxation without representation'.

Swanston tried to help Eardley-Wilmot with the Estimates, recommending cuts to the salaries of government officers among other measures. Anstey encouraged, demanding: 'dock – dock – dock and "no taxation" should be the battle cry, in Council and out of Council'.[86] Anstey suggested the non-officials oppose every item in the Estimates individually, moving as many as 500 amendments. This, he said, 'would bring the Government Officers to their senses, and gain for the Independent Members honour and applause'. In the same letter, Anstey informed Swanston of a plot being hatched behind-the-scenes. He had heard via the Kermodes at 'Mona Vale' that most of the non-officials of the council had resolved to 'take up their hats and march out of the Chamber leaving Sir Eardley and his ex-officials all alone in their glory!' Anstey continued:

> I am not prepared to say that this would be a bad move; it would speak, trumpet-tongued, to the folks at home, as well as to those here. It is very true that Sir E would instantly fill with tag-zag fellows the seats of the seeders. But that would not be of much consequence, seeing that His Ex in his reckless course seems resolved to degrade the respectable people and to make the refuse and scum of society float at the top. Really the time has now arrived for making a bold and most determined stand.[87]

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[83] *Courier*, 9 August 1845, p 2–3.
[84] Bicheno's analogy read along the lines: 'First, the Mother country laid the egg; the chick followed in due course, and was, in its weak and helpless state, nourished and protected by its Mother (country); but as soon as it got strong, and could well run after its Mother, it was beat off, and sent to look for corn for itself; in the same manner as the Home Government now tells this country to make their own roads, and support themselves.' *Courier*, 9 August 1845, p 3.
[85] *Courier*, 16 August 1845, p 3.
[86] Anstey to Swanston, 4 August 1845, Box 32/14, *Derwent Bank Papers*, TAHO.
[87] *Ibid*.

Anstey asked Swanston to tell him each Post what was going on at this critical period– 'the very time for taking the Bull by the horns, and conducing thereby to the weal of the Colony'.[88] Three weeks later he thanked Swanston for '… the great, the unexpected, news – astounding at first but presently coming like summer rain upon my heart, and leading me to hope and believe in better things for the Colony. What a prodigiously fine effect will, by these events, be produced at home!'[89] While not specifying was the great news was, Anstey reasoned there was no way the non-official bench, composed as it was of 'such warring and jarring elements', could have united in bold and determined hostility to the government if the government's measure were not 'weak and wicked'.[90]

The timing of this intelligence is important. It shows the walk out of the 'Patriotic Six' from the Legislative Council on 31 October 1845 had been contemplated more than two months earlier. It was not spontaneous or impetuous. Their loyalty to the vice-regal representative was subsumed by their disappointment and frustration about the budgetary crisis and the inaction of the British Government. It was endorsed by public feeling.

Korobacz records how tension mounted in the August session as the executive members began to suspect that the non-officials had stooped to the use of 'obstructionist tactics'.[91] Swanston tried to submit a set of his own Estimates as an amendment to those introduced by the Lieutenant-Governor. Eardley-Wilmot informed Swanston that his proposed course of action was unconstitutional, and sarcastic remarks flowed thick and fast when Swanston informed the chair that the Estimates from which the Colonial Secretary was reading did not correspond to those the members had in their hands. Gregson found this point to be true and moved for an adjournment. Eardley-Wilmot adjourned the session for two months, hoping that during the breathing space despatches would arrive bearing a favourable reply to his latest pleas for financial relief. When no word arrived, he was forced to redraft the Estimates for presentation to council.

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[88] *Ibid.*

[89] Anstey to Swanston, 28 August 1845, Box 32/14, *Derwent Bank Papers*, TAHO. Anstey also told Swanston he had composed a letter to Colonial Secretary James Bicheno asking to be put at the head of Bicheno's subscription list for his essay on 'Fowlogy' in general, and 'Hens' and 'Chickens' in particular. Anstey said it was a satirical letter, but in view of the roasting Bicheno was getting, he decided not to torture their facetious fat friend further and had torn up the letter.

[90] *Ibid.*

[91] Korobacz, 'The Legislative Council of Van Diemen's Land,' p 236-7.

At last, in February 1845 the Colonial Office decided that in the spirit of 'liberal justice' Britain would pay the cost of the police department. However, this notification had not reached Hobart Town when the Legislative Council met on 2 October 1845 and colonists were unaware of their success.[92] When the Estimates were put in front of them, Councillors saw the proposed expenditure on police, jail and the judiciary. Over several sittings six non-officials used every possible means to obstruct passage of the Estimates. Richard Dry complained of the injustice which condemned the colony to the cost of an imperial scheme and an accumulation of debt which must involve the colony in ruin. On the third reading of the Appropriation Act on 31 October, the chamber was crowded with spectators.[93] Thomas Gregson leading, every ploy was used to frustrate passage of the Bill. In the melee the non-officials, except John Dunn, quitted the chamber. Hearing that the 'call on the house' (a special summons) had been issued, a high degree of excitement meant that the chamber next day was crowded with 'a miscellaneous assemblage of magistrates, merchants, lawyers, doctors, military offices and tradesmen'.[94] Michael Fenton and Roderic O'Connor were absent.[95] William Kermode and Swanston had resigned since the previous sitting and, after John Kerr rose and in a few words resigned, there were insufficient numbers to constitute a council. In the course of the afternoon Gregson, Fenton and Dry also tendered their resignations. The only non-officials remaining on the Legislative Council were O'Connor and Dunn.[96] The members who left the legislature without a quorum and without an Appropriation Act very soon became known as 'the Patriotic Six'−Richard Dry, Michael Fenton, Thomas Gregson, William Kermode, John Kerr and Charles Swanston. Dry, for one, received a hero's welcome on return to his home town of Launceston.[97] Admirers of

[92] Robson, *A History of Tasmania*, p 423.
[93] *Colonial Times*, 7 November 1845, p 3.
[94] *Ibid.*
[95] Roderic O'Connor was absent from debate on this topic throughout the session. This may have been due to the fact that according to his biographer, O'Connor was solidly opposed from personal conviction to the anti-transportationists, PR Eldershaw, 'O'Connor, Roderic (1784−1860)', *ADB*, Vol 2, (Melbourne, 1967), p 296.
[96] *Colonial Times*, 7 November 1845, p 3. John Dunn had personal and pecuniary reasons for staying loyal to Eardley-Wilmot as he was director of the bank that had agreed to loan the government the £25,000 and three of his daughters were attracted to, and subsequently married, three of Eardley-Wilmot's sons.
[97] *Courier*, 13 December 1845, p 4.

Gregson raised a testimonial in the form of 2,000 guineas and plate with a suitable inscription.[98] No record has been found of Swanston's reception by the community.[99]

As Hartwell notes, by this stage Eardley-Wilmot's problems were becoming 'less fiscal and more political'.[100] Political agitation continued and in December 1845 a large public meeting endorsed a petition to the Queen and both British Houses of Parliament for representative government. It demanded 'a Representative Legislature, the right to which we possess under the British Constitution'.[101] The petition was one of a series of petitions and letters from the pen of Robert Pitcairn, solicitor to the Derwent Bank and a neighbour of Swanston's at New Town.[102] All parts of the colony were alive for the next six weeks with people collecting signatures on the skins. Adding fuel to the fire, by November 1845 rumours of Eardley-Wilmot's plan to allocate small plots of Crown land at nominal cost to ex-convicts were fanning opposition in the Midlands.[103] More affluent settlers were even entertaining the idea of petitioning the British Parliament to swap their properties in Van Diemen's Land for equivalent acreage in one of the other colonies.[104]

In the midst of this agitation, Swanston's friend, Captain Matthew Forster, died, aged forty-nine. As Comptroller-General of Convicts he had shouldered much of the flack about the unpopular probation system and had been in poor health for several years. He had been

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[98] Brain records there was a rumour that some of the gentlemen who collected the monetary tribute had deducted Gregson's debts from the collection before placing the guineas in the handsome silver salver, Brain, *Thomas Gregson*, p 95.

[99] The *Courier* noted that Swanston had expressed to his friends his determination to withdraw from council 'many, many months ago' but his recent resignation was strictly in concert with the others. *Courier*, 15 November 1845, p 2.

[100] RM Hartwell, 'The Van Diemen's Land government and the depression of the eighteen forties', *Historical Studies: Australia and New Zealand*, Vol 4, No 15, 1950, p 195.

[101] *Observer*, 23 December 1845, p 3.

[102] P Crisp, 'Pitcairn, Robert (1802−1861)', *ADB*, Vol 2, (Melbourne, 1967), p 336. The home he built at New Town, 'Cairn Lodge', was on land formerly belonging to Swanston. It is now known as 'Runnymede'. Pitcairn emerged as one of the heroes of the anti-transportation cause.

[103] Anstey to Swanston, 13 November 1845, Box 32/14, *Derwent Bank Papers,* TAHO. Anstey was incensed. He complained to Swanston that the 'felon farmers' could not subsist except by theft and the settlers' sheep and cattle would be their prey. He bemoaned that the moral effect of such a rural population would be even worse than the pecuniary loss in the matter of payment for police and jails. 'I declare it is enough to break one's heart,' he wrote, 'I can think of nothing else.'

[104] T Anstey to A Reid, 20 November 1845, *Clyde Company Papers*, ed. PL Brown, Vol 3, (London, 1958), p 609. Anstey expressed his confidence that 'Hutt, Ewart, Buller & Co' (Charles Buller, William Ewart and William Hutt, all prominent radical members of the House of Commons) would work upon such a petition, 'which they might properly call "the groans of the Tasmanians" and would press for the measure of justice they accorded to the Jamaica Planters in emancipating the slaves.

awaiting the reply to his application for home leave.[105] Chief Justice Sir John Pedder was at Forster's death-bed and broke the news to Swanston on the morning of 11 January 1846: 'It is all over,' he wrote, 'poor Forster expired at between 5 & 10 minutes to 8 this morning: without pain – he never recovered his senses.' Pedder told Swanston that Forster had left a Will, but no one knew where it was. He said that he feared Forster's affairs were worse than might have been expected.[106] Anstey regretted that the funeral was held before he could get to Hobart Town and lamented to Swanston that in his official character, Forster had no equal in the colony, ' a man much regarded in spite of his invidious official position: – a man always esteemed by men'.[107] Anstey also predicted that Forster's demise would tend to a great alteration in the probation system, 'assailed as that abominable system is by our battering-ram Petitions'.[108] Swanston raised a subscription and arranged a memorial obelisk to his friend at the cemetery of St John's in New Town.[109]

Eardley-Wilmot eventually found another six men for his council of advice. They were not popular and were stymied from the very beginning. A scathing letter sent on 7 January 1846 by Swanston to Lord Stanley justifying the behaviour of the Patriotic Six unexpectedly appeared in full in the *South Australian Gazette and Colonial Register* in April 1846, soon after the new council's first meeting.[110] The newspaper called it 'the clincher' and 'an admirable letter'. Given what Anstey's correspondence had revealed, a better description perhaps might be 'strategic' or even 'duplicitous'.[111]

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[105] Shaw, 'Forster, Matthew (1796–1846)', *ADB,* pp 404.

[106] Pedder to Swanston, Sunday morning, 9 o'clock, Box 34/5, *Derwent Bank Papers*, TAHO.

[107] Anstey to Swanston, 12 January 1846, Box 24/10, *Derwent Bank Papers*, TAHO. Anstey added that Forster had sustained 'a slight abatement of his esteem' in not possessing the strength of mind enough to eschew the bad company in favour at Government House.

[108] Anstey to Swanston, 15 January 1846, Box 24/10*, Derwent Bank Papers*, TAHO.

[109] The epitaph on the elegant obelisk pays tribute to Forster's service with the 83rd Regiment in the Peninsula campaign, at New Orleans and afterwards major of Brigades in Ireland, and in Van Diemen's Land as Chief Police Magistrate, Colonial Secretary and Controller General of Convicts. The plaque acknowledges the monument was erected by his private friends as a testimonial of their regard. The design of the memorial is discussed in detail in Chapter 6. Subscribing for the memorial to Forster was but one of many kind gestures made between friends within the network in hard times, for example, in January 1838 they raised funds to send Mrs Frankland and her children home to England after the sudden death of her husband, George Frankland; Pedder accommodated Montagu and family at 'Newlands' following Montagu's dismissal from Government House in January 1842 (when circumstances dictated he could not stay in the household of his brother-in-law Captain Forster); the circle again took up a subscription for the memorial to Captain Matthew Forster.

[110] *South Australian Gazette and Colonial Register*, 11 April 1846, p 3; *Courier*, 6 May 1846, p 4.

[111] The contents of the letter caused a sensation in Hobart Town, as well as raising the question of how a copy of the letter found its way into a South Australian newspaper. The author considers its likely pathway to be via

Swanston claimed he was defending his character against Eardley-Wilmot's accusation that the conduct of the non-officials had been factious, unconstitutional and disloyal. Swanston discounted suggestions that the walk-out had been orchestrated. He fiercely rejected that he had ever worked in league with Gregson, saying for 'some years' he had had no communication with him either privately or publicly. Swanston claimed it was also known that he had assisted Eardley-Wilmot with the estimates and not only recommended the raising of taxes to the extent of £25,000, but also recommended the reduction of salaries of the different departments of the Government and abolition of certain useless offices. Moreover, Swanston claimed he had not left the council table in the midst of public business. He had left but once and that was when he retired on 31 October after which he sent in his resignation. Swanston claimed his advice to the Lieutenant-Governor on the evening before his resignation was to defer the passing of the Appropriation Act and to submit to Lord Stanley the estimates that Eardley-Wilmot had prepared, together with the alternate estimates prepared by those members dissenting from his and await his Lordship's decision. Swanston claimed that he had assured His Excellency that until the reply arrived, the council would support him in whatever financial arrangements he considered necessary in order to carry on the government. Swanston recounted the dialogue between himself and Eardley-Wilmot including the Lieutenant-Governor's assertion that when his despatches were published the colony would see what he had done for them and the gentlemen whose factious conduct he complained of would regret the course they were pursuing. [112] Swanston told Stanley that his retort was: 'I regret your Excellency should not have communicated to the council the substance of your despatches,' upon which Early-Wilmot turned away from him and walked out of the room. Swanston wrote he had no alternative other than to resign as he could no longer retain the seat with advantage to his sovereign,

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George Alexander Anstey, JP, Anstey's eldest son, then gaining prominence in Adelaide as a large land owner and mining speculator, *South Australian Gazette and Colonial Register,* 28 March 1846, p 1. The following month, while Anstey was visiting his son in South Australia, Swanston said his only concern was that publication of the correspondence might possibly injure their cause at Home.
I wonder how it got into the Adelaide papers,' he wrote. *'I am in perfect ignorance*. It is supposed here that it has come by some friends of Sir Eardley's.' Emphasis is Swanston's. Swanston to Anstey, 24 April 1846, Box 23/2, *Derwent Bank Papers*, TAHO.

[112] This supports Michael Roe's point that Eardley-Wilmot generally argued the colonists' side, although they were not to know that at the time, M Roe, 'Eardley-Wilmot, Sir John Eardley (1783−1847)', *ADB*, Vol 1, (Melbourne, 1966), p 345.

to the public or with credit to himself. He concluded by suggesting that Eardley-Wilmot's charge of disloyalty to a member of a body appointed by the sovereign amounted to little less than deliberate perjury.

In July 1846 another furore arose when the news reached the colonists that their petition of the previous year opposing the probation system had been printed by the House of Commons accompanied by a most insulting despatch from Eardley-Wilmot. Eardley-Wilmot had impugned most statements in the petition. Worse, he claimed that while a few of the persons who signed it were respectable and conscientious, most had never read it and would be ready to sign anything.[113]

The welcome news, however, was that William Ewart MP had given notice of a motion that 'the system of making the colony of Van Diemen's Land a general receptacle for convicts should cease'. The news did not weaken Anstey and Swanston's resolve to oppose Eardley-Wilmot at every possible turn. Anstey informed Swanston of his intention to withdraw from the prestigious Midlands Agricultural Association if it were to remain under Eardley-Wilmot's patronage.[114] Sure enough, on 7 September a highly-charged special meeting of the association expressed disgust at Eardley-Wilmot's besmirching of their characters and resolved to erase their patron's name from its list of members.[115] As West observed, the absence of constitutional channels for the expression of dissatisfaction led the colonists to a measure which would otherwise be deemed an extreme one.[116]

In the face of so much public unrest, financial stress, muck-raking and duplicity, Eardley-Wilmot's regime could not survive. Notice of his recall reached Hobart in September 1846. Eardley-Wilmot stayed in Hobart to clear his name, declaring himself 'the victim of the most extraordinary conspiracy that ever succeeded in defaming the character of a Public Servant'.[117] He demanded redress and stayed in the colony to gather rebutting evidence.

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[113] *Launceston Advertiser*, 2 July 1846, p 3.
[114] Anstey to Swanston, 20 July 1846, Box 24/10, *Derwent Bank Papers*, TAHO. Anstey's letter also railed against the 'nameless crime' and urged 'Now is the time for action – let the wedge be fairly in, and let us drive it home'.
[115] *Courier*, 12 September 1846, pp 3-4.
[116] West, *History of Tasmania*, Vol 1, p 254.
[117] Roe, 'Eardley-Wilmot'.

Eardley-Wilmot died on 3 February 1847, five months after the Superintendent of Port Phillip, Charles Joseph Latrobe, came across Bass Strait as temporary administrator and a week after the arrival on 25 January 1847 of the new Lieutenant-Governor, engineer Sir William Thomas Denison.[118] No diagnosed illness was attributed to Eardley-Wilmot's death, although it was said he had a broken heart.[119] Mickleborough emphasises the significance of the admission of the Under-Secretary of the Colonial Office, Sir James Stephen, in April 1846 that the colony's constitutional crises were caused by the British Government's 'ill-advised' and 'non-considered pledge' to abandon transportation to New South Wales and to throw 'the whole current' into Van Diemen's Land.[120] Stephen's admission reflects a situation that greatly affected Swanston and his colleagues and explains the depth of the frustration and animosity they felt towards the Home Government.

The spirit of dissension then focused on the malfunction of the penal system, culminating in the call for the cessation of transportation altogether. The Colonial Office decided the 'Patriotic Six' had a case and advised Denison to select the six most suitable men as councillors out of those had resigned and the replacements appointed by Eardley-Wilmot. After fruitless negotiations with the twelve men, Denison declared the seats vacant and reappointed the Patriotic Six, despite the doubts of Chief Justice Sir John Pedder.[121] Swanston – by then almost overwhelmed by his own and the Derwent Bank's financial problems – again accepted appointment and resumed a major role as adviser on the Estimates.

Denison faced a populace resentful of anything but a democratically-elected legislature. Too many inherited problems and legislative complications thwarted Denison's best efforts and by January 1848 Anstey's correspondence took on a familiar tone: 'Our second class Captain of Engineers is 'in a fix' and his Government will soon be at "dead lock". Thank God for this and other Mercies.'[122] A public meeting on 15 January 1848 condemned 'the arbitrary and unconstitutional proceedings of the Lieutenant-Governor and his Executive Council' and

[118] CH Currey, 'Denison, Sir William Thomas (1804–1871), *ADB*, Vol 4, (Melbourne, 1972), p 46.
[119] Roe, 'Eardley-Wilmot'.
[120] Mickleborough, 'Victim of an Extraordinary Conspiracy', pp 246-247.
[121] Currey, 'Denison, Sir William'; *Colonial Times*, 23 March 1847, p 2.
[122] Anstey to Swanston, 7 January 1848, Box 24/10, *Derwent Bank Papers*, TAHO.

then submitted a petition to him for transmission to the Queen.[123] Anstey yet again encouraged Swanston: 'We must redouble our efforts, and go to work again immediately after our Grand Petition is sent off to England. Our ultimate success is certain if we are true to our good cause.'[124]

In March 1848 the Legislative Council rejected the Estimates submitted by Denison and appointed a committee, including Swanston, to draw up another set.[125] No agreement had been reached by the August sitting and Swanston was worn out by the continuing farce of the Estimates. Obviously also by this time he was aware that his precarious business situation would soon make the public office untenable and the worry was becoming unbearable.[126] In resigning from the Legislative Council during the first week in August, Swanston reportedly told the Lieutenant-Governor that he had anticipated ere this a change in the constitution. Not wishing to be again placed in a painful opposition – in a thankless position – he would forego the honour which was, just now, 'an invidious distinction'.[127] Swanston considered that the people, in their anxiety for self-government, had lost confidence in the Legislative Council.

In accepting the resignation, Denison expressed regret at being deprived of Swanston's assistance in the financial affairs of the government and said Swanston had been 'assiduous' in his attention to legislative duties. He trusted that upon the bestowal of free institutions Swanston's services would be again restored.[128] Denison told the Secretary of State, Sir George Grey, that the loss of Swanston was serious because of the banker's long and varied experience, but he did not regret it, remembering his continuous opposition.[129]

The *Cornwall Chronicle* reported that the Legislative Council had lost its 'ablest member' and that Swanston and Roderic O'Connor, who also had resigned, 'had well understood the

[123] Currey, 'Denison, Sir William'.
[124] Anstey to Swanston, 9 June 1847, Box 24/10, *Derwent Bank Papers,* TAHO.
[125] *Colonial Times,* 24 March 1848, p 3.The newspaper's editorial stated that Richard Dry MLC would be assisted on this committee by the ablest of his colleagues 'and especially by Captain Swanston, unquestionably the most talented and accomplished financier of our day'.
[126] See Chapter 2.
[127] *Launceston Examiner*, 9 August 1848, p 5.
[128] *Courier*, 12 August 1848, p 2.
[129] Denison to Grey, 15 September 1848, quoted in Townsley, *The Struggle*, p 93.

wants of the colonists and possessed the moral courage to express their sentiments.'[130] The newspaper bemoaned:

> It is of little consequence to the country, by whom the vacant places are filled – the best of men can effect no good – the worst can do little harm; the Legislature of Van Diemen's Land is a bugbear – a delusion – a cheat; it is irresponsible to the people, and it would perhaps be better for them to be relieved from the mockery, and be governed by an acknowledged despotism.[131]

The *Colonial Times* reported that colonists generally would be sorry Swanston had withdrawn for upon him the people could depend, continuing:

> Opposed as we have been to some of his measures, still we must render him this justice in saying that what he considered right he firmly adhered to, and manfully fought to achieve what he considered his duty … Captain Swanston is a man of the world, and has seen many nations, and gained experience from being shouldered by strangers.[132]

The *Hobarton Guardian* also regretted the resignation, calling Swanston 'the true friend of the people',[133] and the *Courier* declared he had acted wisely in retiring from a body that did not command even common attention.[134] The *Geelong Advertiser* said that Swanston's conduct during his long service on the council had been marked by 'strong practical sense'.[135] The *Britannia and Trades' Advocate* through its columns assured Swanston that there were many who would deeply regret his retiring from a field in which the services of every really useful and practical man were required, in opposition to 'such a Government as the present'.[136]

West's words about the lengths to which the campaigners for civil liberties resorted in the absence of constitutional channels resonate with the bitter divisions and accusations of Van Diemen's Land politics in the 1840s. That the campaigners pushed beyond accepted standards of behaviour can be partly explained by their distance from decision-makers in

[130] *Cornwall Chronicle*, 16 August 1848, p 2. Worth noting is that Brain posits that O'Connor became tired of the behaviour and personal attacks of fellow councillor Thomas Gregson, and resigned rather than give Gregson the opportunity to continually malign him, Brain, *Thomas Gregson,* p 113.
[131] *Cornwall Chronicle,* 16 August 1848, p 2.
[132] *Colonial Times*, 8 August 1848, p 3. John Leake, who had been a clerk at the Derwent Bank, was appointed to fill the vacancy on the Legislative Council, *Colonial Times*, 18 August 1848, p 4.
[133] *Hobarton Guardian, or, True Friend of Tasmania*, 9 August 1848, p 2.
[134] *Courier*, 9 August 1848, p 2.
[135] *Geelong Advertiser*, 31 August 1848, p 1.
[136] *Britannia and Trades' Advocate*, 10 August 1848, p 2.

Britain. They were driven to extremes because of the time-lag in communication and the absence of knowing that the home government was aware of their concerns. Hartwell emphasises a powerful dimension to the struggle in saying that depression, while not determining the demand for self-government, accentuated the colony's disabilities, underlined the urgency of the need for reform, and gave the necessary impetus to the move for abolishing transportation and for granting self-government.' [137] Swanston's tumultuous days as legislator were over. Although he did not live to see the introduction of responsible government, he had played a significant role in its birth.

The following chapter deals also with Swanston's political activities, marking the point from which he shunned Government House circles in what he considered the cause of high principle and reform.

[137] Hartwell, 'The Van Diemen's Land government', p 187.

CHAPTER 4: A FRACTURING OF POWER

> It is remarkable with what intuitive sagacity one man of political intrigue discovers a kindred disposition in another. There is a sort of freemasonry between such chaps.[1]

Given that Swanston served on the Legislative Council for sixteen years, his performance as a non-official member attracted little criticism. The reprobation that did fall on his shoulders pertained to his circulation of John Montagu's 'Book' containing the papers concerning the colonial secretary's fight against his treatment by the Lieutenant-Governor Sir John Franklin.

Swanston was affronted by Franklin's suspension of Montagu in January 1842. As well as being a friend, Montagu was efficient, finance-savvy and the pillar of the administration. Many colonists perceived his loss as damaging to the colony at a time when the economy was slumping and doubts were rising about Franklin's acuity. A mood of despair gathered over the settlers. While the implications of the suspension of Montagu and its aftermath have been well documented by several of the players themselves and later historians, Swanston's role in defending and supporting Montagu previously has not been explicit.[2]

On his recall to England, Franklin's ardent attempts to vindicate himself for the suspension of Montagu − detailed in the pamphlet he published before setting sail on his fateful search for the North West Passage − cast Swanston in the light of a scheming, greedy financier whose power and influence lay in the number of mortgages the Derwent Bank held over people's property.[3] While this did not affect Swanston's cordial relations with the Colonial Office in London, it did alert the subsequent Lieutenant-Governors – Sir John Eardley Eardley-Wilmot and Sir William Denison – to Swanston's wide influence. It raised their

[1] Anstey to Swanston, 16 November 1837, Box 32/10, *Derwent Bank Papers*, Tasmanian Archive and Heritage Office, (hereafter TAHO).
[2] J Franklin, *Narrative of some passages in the history of Van Diemen's Land during the last three years of Sir John Franklin's administration of its government*, facsimile reproduction, (Hobart, 1967); 'Correspondence received relating to the suspension of the Colonial Secretary and the Solicitor General, 1841-43'('the Book'), GO45/1/1, TAHO. These last papers are marked: 'Found amongst the waste papers in the Office of the Clerk of the House of Assembly, sealed up by HM Hill 20 October 1879' and include a 'precis' in the handwriting of FH Henslowe. Some of the historians who examined Montagu's suspension closely have included LL Robson, *A History of Tasmania*, Vol 1, (Melbourne, 1983), pp 374-383; CR Joel, *A Tale of Ambition and Unrealised Hope,* (North Melbourne, 2011), and K Fitzpatrick, *Sir John Franklin in Tasmania 1837−1843*, (Melbourne, 1949).
[3] Franklin, *Narrative of some passages.*

suspicion about where Swanston's loyalty lay and it can be seen that Swanston never regained the confidence of the vice-regal office that he had enjoyed early in Hobart Town. A spirit of dissent was at large and a fracturing of power had occurred within the once relatively stable establishment.

A well-established clique?

As Member of the Legislative Council, Swanston was among an informed, elite group intimately involved in the affairs of the colony and accustomed to Lieutenant-Governor Arthur's objective of administering it as an efficient jail.[4] They did not agree with all of Arthur's measures, but they basked in the privileges and power of an established in-group. The notion of a 'clique' was current even before Arthur departed the colony in October 1836 and the existence of an influential 'Arthurite Rump' was reported active in 1838.[5]

A ripple of excitement ran through the colony when news of the appointment of Sir John Franklin as Arthur's successor reached Van Diemen's Land. Anstey recalled reading Franklin's narrative of his North Pole exploration and told Swanston he expected to find Sir John 'a determined and an off-hand man as Governor.' 'These are qualities which, with a due admixture of common sense, I shall greatly prize in any Governor, or official person of any description,' Anstey remarked.[6] On his first major tour, of the central and northern districts three weeks after arriving in Hobart Town, Franklin received a grand welcome. He was an Arctic explorer, decorated rear-admiral, fellow of the Royal Society and knight of the realm. Known for his liberal sentiments, in early 1837 he bore the settlers' hopes for self-government and a new order.[7]

Franklin's 'honeymoon' period ended with his dismissal of his private secretary Captain Alexander Maconochie who had accompanied him to Van Diemen's Land. Franklin did this

[4] AGL Shaw, 'Arthur, Sir George (1784–1854), *Australian Dictionary of Biography,* (hereafter *ADB*), Vol 1, (Melbourne, 1966), pp 32-38. Arthur still casts a long shadow over Tasmania. His name is synonymous with the harsh convict regime and his memory is perpetuated at the former prison for secondary offenders, Port Arthur.
[5] *Sydney Monitor*, 25 June 1834, p 4; *Colonial Times*, 20 November 1838, p 4. Arthur himself had frequently used the term 'faction' or 'factious party' to describe opponents of his government from as early as 1825; subsequently the term gained general currency in press criticisms of Arthur and his officials, EM Miller, *Pressmen and Governors*, (Sydney, 1952), pp 192-3.
[6] Anstey to Swanston, 29 August 1836, Box 32/6, *Derwent Bank Papers*, TAHO.
[7] K Fitzpatrick, 'Franklin, Sir John (1786–1847)', *ADB*, Vol 1, (Melbourne, 1966), pp 412-415.

because he considered Maconochie had 'duped and embarrassed' him by sending a summary of his own views on prison discipline to London in a package of Franklin's reports on the matter, without his approval.[8] Franklin's action on this matter has been revealed to be unjust. Tasmanian historian Craig Joel states that Maconochie had indeed informed Franklin of the summary, but the Lieutenant-Governor had not bothered to read it.[9] Maconochie's proposal was to replace the assignment system – whereby convicts were placed as virtually free or 'coerced or slave labour' labour with settlers – by a system aimed at reform.[10]

Many landed gentry recoiled at the prospect of having cheap convict labour denied them.[11] The dismissal raised claims that Maconochie had been a victim of the machinations of the Arthur faction and his removal was evidence of the triumph of that faction over Franklin.[12] Additionally, the action damaged Franklin because it deprived him of a friend and much-needed ally.[13] Franklin's unconventional, intelligent wife, Jane, took an active interest in government affairs and did not always impress. She relished achievement, always had a project on the go, her self-confidence sometimes touched on arrogance and her unusual conduct caused one observer to liken her to 'a man in petticoats'.[14] Reflecting on Franklin's sudden demise in popularity, Amelia Read observed: 'His [Franklin's] kind gentle nature was

[8] Joel, *A Tale of Ambition,* pp 96-105.
[9] *Ibid*, p 105.
[10] JV Barry 'Maconochie, Alexander (1787–1860)', *ADB*, Vol 2, (Melbourne, 1967), p 185; Joel records that Maconochie proposed secluding the convicts in stations to undergo hard labour and moral, religious, mechanical and agricultural instruction. He proposed a marks system whereby a convict could be given certain indulgences, even freedom. Joel, *A Tale of Ambition,* p 100-101.
[11] Wool kings Thomas Anstey of 'Anstey Barton' and Thomas Archer of 'Woolmers' continually bemoaned the loss of cheap assigned labour after a system of probation was introduced, Anstey to Swanston, 22 February 1838, Box 32/10, *Derwent Bank Papers*, TAHO, and Archer to Swanston, 6 February 1843, Box 25/3, *Derwent Bank Papers*, TAHO. Archer claimed that thousands of bushels of corn were shedding in the fields while thousands of men were cooped up in probation gangs doing little or nothing.
[12] Joel, *A Tale of Ambition*, p 105. The faction's dislike of Maconochie is evident in several letters from Anstey to Swanston in the *Derwent Bank Papers*, including one where Anstey writes that Franklin's 'best relief' would be getting rid of 'his Castle-building Private Secretary and sharp visaged wife', adding: 'the theories of Metternich and the supercilious aims of the Princess are a little out of place in the Colony and the sooner they take them to another mart, the better it will be for Sir John and the Colony', Anstey to Swanston, 4 September 1837, Box 32/10, *Derwent Bank Papers*, TAHO. Pursuing the theme, Anstey wrote two months later that it was impossible that Sir John could continue Maconochie as his Private Secretary and that he had better pack up and be off, declaring: 'We don't want intriguing theorists here.' Anstey to Swanston, 16 November 1837, Box 32/10, *Derwent Bank Papers*, TAHO.
[13] John West claimed the dismissal of Maconochie 'deprived the Governor of a long and cherished friend, who, in happier circumstances, might have greatly facilitated his affairs', J West, *History of Tasmania*, (Launceston, 1852), Vol 1, p 194.
[14] A Alexander, *The Ambitions of Jane Franklin: Victorian Lady Adventurer*, (Crows Nest 2013), pp 78-79.

severely tried by finding himself in a series of petty squabbles, more difficult to dispel than the storms he had encountered on the mighty deep. He was unable to cope with secret diplomacy or underhand movements: all his endeavours to conciliate were unsuccessful.'[15]

Franklin's efforts to conciliate were not necessarily seen as strength by the posse watching him. In September 1839 Anstey warned Swanston of the harm that could ensue 'under the rule of such a Governor as poor Sir John, who proceeds upon the most imbecile of all systems – a desire to please everybody. An absolute impossibility!! This line of conduct cannot be tolerated very long – but, in the meantime, irreparable injury will be sustained by the Colony …'[16] Over the next two years, criticism of Franklin and his Lady continued to mount. Lady Franklin's predilection for adventure became a general topic of conversation.[17]

In May 1840 an idea circulated among residents of the Oatlands district to raise a large sum by subscription to send home 'the daft body'.[18] 'It would be a good broad hint to him that it is time to take himself off', Anstey declared.[19] By July 1840, Anstey was telling Swanston: 'Sir John is a poor hand at deception – his memory is defective – he lacks tact – he tries to please two opposite parties, but in the bungling attempts he makes both of them his enemies. O dear! O dear!' [20] In the same letter Anstey expressed concern for their mutual

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[15] A Read (nee Wilson), *Reminiscences,* unpublished, c 1890s. Mrs Read (1822−1897) was the locally born – daughter of pioneer settlers William Borrowdaile Wilson and his wife, Grace, nee Terry, and spent her childhood on the family's property 'Clarendon' near Gretna. Her journal, transcribed and held by Colleen Read, provides penetrating insights into the characters of the Van Diemen's Land Lieutenant-Governors.

[16] Anstey to Swanston, 2 September 1839, Box 3/14, *Derwent Bank Papers*, TAHO. This Letter conveyed Anstey's concerns about the difficulties Captain Matthew Forster had to cope with while acting Colonial Secretary during Montagu's absence in England.

[17] Anstey to Swanston, 21 January 1840, Box 3/4, *Derwent Bank Papers*, TAHO. Anstey reported that some of the most respected settlers were resolved to keep out of the way of the 'tourists' to the Lakes for they said there would be no end to 'the lively wrigglings of her Ladyship's exploring maggot', letter 27 January 1840*,* Box 3/4, *Derwent Bank Papers*. Anstey also related: 'I have had an account of the New Norfolk Bridge proceedings. Poor Sir John, it appeared, cheered so heartily as to amount to 'shrieking' even when they were cheering *himself*, and much to her ladyship's amusement, who said, sotto voce "Sir John does not know they are cheering him"!!' Anstey to Swanston, 21 May 1840, Box 24/20, *Derwent Bank Papers*. Anstey opined: 'The poor old man is now the theme of general discourse. I can hardly believe the report that Notre "Bonne" is really going to roam over South Australia', letter 14 December 1840, Box 5/6, *Derwent Bank Papers,* and '… but a few parting kicks may yet be reserved by the fat Knight and his myrmidons to shew their spitefulness before they leave', Anstey to Swanston, 7 August 1843, Box 3/4, *Derwent Bank Papers*.

[18] Anstey to Swanston, 18 May 1840, Box 24/10, *Derwent Bank Papers*, TAHO. Five days earlier Anstey had said that the words 'King Log and Queen Stork' were known in every jolter's home or hut, an allusion to the old story popularised in *Aesop's Fables* of 'The Frogs Who Desired a King'. The frogs were first presented with a log that did nothing then a stork that ate them up, with the moral that better no rule than cruel rule, or alternatively, be careful about what you ask.

[19] *Ibid.*

[20] Anstey to Swanston, 29 July 1840, Box 32/14, *Derwent Bank Papers*, TAHO.

friend Captain Matthew Forster having to steer his course in the midst of so much 'intrigue, falsehood, insincerity and vacillation.' 'I wish him well through it,' Anstey wrote, 'after all, his straight forward course is, I fancy, the only one he can pursue with honour.' Swanston's own reputation at this time was high, at least with the powers in London. He had been worried that reports of a libel case had besmirched him, but in November 1841 he received advice quite to the contrary.[21] On direction from Franklin, Montagu informed Swanston that the Right Honourable Secretary of State, Lord John Russell, had said in a despatch that no reproach whatever attached to Swanston's character.[22] 'His Lordship further states,' wrote Montagu:

> that he does not understand that the slightest attempt was made to substantiate the charges against you, and that, indeed, they would seem to be refuted by the testimony, born even by your accusers themselves, to the spotless and honourable tenor of your whole Public Service.[23]

Franklin's troubles came to a head in the later months of 1841, culminating in the suspension of Montagu on 25 January 1842. This action set the colony afire with gossip, exemplified by the politically-independent surveyor James Scott of Glen Dhu, near Launceston, telling his brother, Thomas, in Scotland: 'There has been a real hanging of Government officers lately as if Sir John had turned hangman. This may be termed the reign of the Hangman.'[24] Montagu's suspension also unleashed the fury of 'Arthurites' on both Sir John and Lady Franklin.

In 1839, when Montagu was returning on leave to England, Lady Franklin had begged him to visit her sister, Mary Simpkinson, writing 'he is a very gentlemanly and extremely clever man, of good connections and good fortune'.[25] However, something went badly wrong with

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[21] In this much-publicised libel case – the Attorney-General v. John Jackson, Hugh Addison, John Elliot Addison and William McLaren – acting on his own initiative, the Attorney-General Edward Macdowell, sued the afore-named for libelling Swanston by implying he may have been biased by personal interests and influences in his voting in the Legislative Council, *Courier*, 8 December 1840, p 2, 11 December 1840, p 2 & 16 February 1841, p 2; *True Colonist Van Diemen's Land Political Despatch*, 5 February 1841, p 2; 26 February 1841, p 1; *Colonial Times*, 9 February 1841, p 2. Edward Macdowell was Swanston's son-in-law.

[22] Montagu to Swanston, 20 November 1841, Box 21/14, *Derwent Bank Papers*, TAHO. Montagu's writing in the margin gives the despatch number of 'No 251 of 28 June 1841'.

[23] *Ibid.*

[24] J Scott to T Scott, 2 February 1842, *The Scott Letters–VDL & Scotland 1836–55 transcribed by DJL Archer,* (Launceston, 2009), p 114. James Scott repeated the rumour that Captain Forster and Dr Turnbull were likely to be 'turned out' also.

[25] Lady Franklin to her sister, Mary Simpkinson, 3 January 1839, *Some Private Correspondence of Sir John and Lady Franklin (Tasmania 1837–1843),* ed. G Mackaness (Sydney, 1947), Part 1, p 54.

their relationship. When Montagu arrived back from England in March 1841 Lady Franklin was visiting New Zealand and Franklin reported that Montagu had resumed his office and everything was 'going on quietly', but her return to Hobart Town upset the equilibrium.[26] According to Tasmanian historian Alison Alexander, Montagu found himself ousted by Lady Franklin as the Lieutenant-Governor's chief adviser.[27] Joel has traced the cause of the suspension to a raft of reasons, including Montagu's disagreement with the Franklins about the proposed site of their planned Christ's College, Montagu's concern about the influence of Lady Franklin over her husband regarding both the college and the issue surrounding Dr John Coverdale. [28] The situation was aggregated by Montagu's subsequent work-to-rule policy, his implication that the governor 'could not always place implicit confidence upon his own [memory]' and was overall, the consequence of a clash of personality rather than politics.[29] The episode fascinates historians to the present day. In her 1949 biography of Franklin, Kathleen Fitzpatrick investigated Montagu's suspension and cast doubts about Montagu's honesty from childhood.[30] More recently Craig Joel has devoted a monograph to the self-interest and party politics surrounding the policies of transportation that were behind the dispute between Franklin and Montagu.[31] Charles Swanston's defence of Montagu inevitably ruptured Swanston's association with the vice-regal couple.

'An excuse to turn me out'

As early as November 1841 Swanston warned Anstey of the escalating tension, causing Anstey to respond: 'The split which you mention, I have long expected and it is a marvel to me how Montagu could so long have groped his way through the mazes of intrigue, low

[26] *Ibid*, Sir John Franklin to Lady Franklin, 23 April 1841.
[27] Alexander, *The Ambitions of Jane Franklin*, p 177.
[28] What Lady Franklin called her 'hobby of hobbies', letter to Mrs Simpkinson, 7 September 1840, *Some Private Correspondence,* Part 1, p 104. Joel explains that Dr Coverdale, assistant district surgeon at Richmond, had been blamed for the death of a man run over by a cart. An inquest presided over by the coroner and Director of Roads, Captain Frederick Forth, on 20 August 1841 determined that Richard Higgins had come to his death accidentally by the wheel of a cart passing over his body. The foreman, Francis Turnbull Esq, added to the verdict that it was the opinion of the inquest jury that Dr Coverdale 'seemed to be guilty of culpable negligence' but only recommended that the matter be referred to the principal medical officer to determine a suitable punishment, Joel, *A Tale of Ambition,* pp 230-231.
[29] *Ibid*, pp 225−242. Swanston's opposition to the Christ's College at New Norfolk is discussed in Chapter 7.
[30] Fitzpatrick, *Sir John Franklin in Tasmania*, p 107. Fitzpatrick states that in her comprehensive study she found Franklin 'scrupulously honest' and Montagu 'to have a reckless regard for truth'.
[31] Joel, *A Tale of Ambition.*

cunning, and absolute drivelling which surrounded him on every side!'[32] By January 1842 rumours were circulating that Montagu's suspension was imminent, and there were claims that Thomas Gregson had cajoled Franklin into believing that if he acted decisively and showed his courage the colonists would rally round to his support.[33]

Throughout his time in the Legislative Council, Montagu had regularly sent official papers to Swanston seeking his opinion. His custom prevailed also in private matters. When Swanston called on Montagu on the afternoon of 19 January, Montagu's servant told him his master was out. Vexed to have missed the call, Montagu put after him, but Swanston had gone too fast. In a scribbled note, Montagu said that he had told his servant he did not wish to see visitors, little thinking the servant would look on Swanston in that light. He told Swanston:

> I was anxious to tell you how ill the people at G House are behaving to me. They want to find an excuse to turn me out if they can, but if they do take that step it must be by the Exercise of Power. They shall not have a reason for it. If it is not imposing too much upon you, be kind enough to read the accompanying papers and you will see how hard they are striving for an excuse.[34]

It is probable these papers were the beginning of the evidence that Montagu assembled to defend himself, suspecting his formal suspension was inevitable. When the act came, on 25 January, Swanston sprang to Montagu's defence. He suggested to all the non-official members of the Legislative Council that they should send an Address to Montagu.[35] The resultant address bears the stamp of Swanston's hand.[36] It expresses the members' high regard for Montagu's public character and official conduct and states that Montagu performed the duties of his high office with a just and consistent attachment to the rights of the Crown and with untiring industry. It was also Swanston's idea that Montagu should be offered a testimonial signed by leading colonists together with a piece of plate which he

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[32] Anstey to Swanston, 18 November 1841, Box 3/4, *Derwent Bank Papers*, TAHO.
[33] Copy of documents circulated by John Montague (sic); RJ Brain, 'Thomas Gregson: A Tasmanian Radical', MA Thesis (not submitted), University of Tasmania, 1955, p 66.
[34] Montagu to Swanston, 19 January 1842, Box 25/3, *Derwent Bank Papers*, TAHO.
[35] Anstey to Swanston, 27 January 1842, Box 24/10, *Derwent Bank Papers*, TAHO. Agreeing with the notion, Anstey wrote that as the father of that portion of the Council, he would most blithely place his name at the top. The other senior MLC, Archer, consented to the idea of an address with the qualifier: 'we must leave to time the denouement of some matters that at present seem rather wrapt up in mystery,' Archer to Swanston, 9 February 1842, Box 25/3, *Derwent Bank Papers,* TAHO.
[36] The letter's clarity and brevity – two paragraphs of three sentences – is typical of Swanston's concise business correspondence and was duly signed by Thomas Anstey, Thomas Archer, Charles Swanston, Charles McLachlan, William Ashburner, Michael Fenton and John Kerr. 'Address from the unofficial Members of the Legislative Council', 1 February 1842, 'the Book', p 55.

should decline accepting.[37] This offer was made by the merchant Robert Kerr following a frantic effort by Montagu's friends to collect signatures during the brief period between news of the suspension and Montagu's departure for London.[38] As planned, Montagu declined the presentation in obsequious language conveying that his case should stand upon its merits, 'unsupported by any extraneous assistance.'[39] Nevertheless, Montagu sailed in the middle of the fracas with a collection of impressive testimonials under his arm, including one from the Chief Justice Sir John Pedder and another from Anstey.[40]

Worth noting is that many colonists shocked by Franklin's suspension of Montagu did not wish to oppose the governor. Macquarie Plains settler, Duncan Ballantine, who had been asked by Swanston to collect signatures on Montagu's testimonial, reported that he met 'unsurmountable reluctance' to commit to anything like opposition to the head of the Government. Ballantine wrote:

> So far as I am myself concerned, I would act unjustly as well as ungratefully did I array myself in a way which all in this quarter are agreed is hostile to Sir John Franklin, at the same time that all are sensible of the serious loss that Mr Montagu will be to the Colony…I confidentially appeal to you how extreme caution is in my case, with a family of ten, and a heavy interest to pay.[41]

Concerned about the reception Montagu was likely to receive in London, in July 1842 Swanston used the news of Arthur's appointment as Governor of Bombay to convey to him unease about Montagu's situation:

> You will most probably hear first by this opportunity the removal of Montagu from his office and of his departure for England the cruel and heartless revenge of a

[37] Anstey to Swanston, 27 January 1842, Box 24/10, *Derwent Bank Papers*, TAHO.
[38] The Book, pp 53-54. Anstey indicates how rapidly and effectively the testimonial was passed around the colonists to sign. Apparently a list was drawn up for each district and specific landowners (or their sons and young neighbours) rode around every property collecting signatures. Franklin supporters were distinguished as 'the Mob', Anstey to Swanston, 7 February 1842, Box 24/10, *Derwent Bank Papers,* TAHO.
[39] Montagu to Robert Kerr JP, 5 February 1842, 'the Book', p 54.
[40] Pedder's testimonial made the point that he was not in the practice of joining public addresses, but he highly praised Montagu's public service and character, mentioning his talents, diligence, sound judgement, honour and the 'general confidence in you which few Colonial servants have been fortunate enough to acquire', 'the Book', pp 56-58. Anstey's personal address was short and pithy: 'I very heartily wish you success in the object which carries you to London. That you will obtain speedy redress is the opinion of every impartial person here. The atrocity and folly of the proceedings ending in your dismissal did not *much* surprise me – for, years ago I discovered Sir John Franklin to be as utterly wanting in moral power as in ability,' 'the Book', p 132.Emphasis in original.
[41] Ballantine to Swanston, 3 February 1842, Box 34/2, *Derwent Bank Papers*, TAHO. Ballantine expressed the desire that Swanston would again command his services and signed off with 'much truth and respect'.

> woman who governs here. The details of this proceeding I will not now enter into as you will receive full accounts from other quarters – Montagu not finding you in England when he arrives will be a great blow to him but I trust although at a distance that your influence and interest will be used to obtain for Montagu justice for the injury and compensation for the losses he has sustained.[42]

Swanston did not mince words in continuing: 'Of our present Governor I will say no more than express my hearty wish for his speedy removal & that neither this Country or any other may be burthened with such another.'[43] By this time there was a widely-held perception that the colony was in severe financial trouble and there was a crisis of leadership.[44]

The outcome of Montagu's appeal to the home government is now well known: James Stephen at the Colonial Office decided that the reasons given in Franklin's statement did not justify Montagu's suspension.[45] The Secretary of State, Lord Stanley, made it plain to Franklin that Montagu retired from the Van Diemen's Land position 'with his Public and personnel character unimpaired', that Franklin's proceedings did not appear to have been well-judged and that his suspension of Montagu from office was not sufficiently vindicated.[46]

News that Montagu's suspension was not upheld and of his appointment as Colonial Secretary to Cape Town at a salary of £1,500, plus residence and other advantages, reached Hobart Town in December 1842.[47] As Swanston and Anstey welcomed the announcement and conjectured about a new governor, they recognised the irony of Montagu's 'suspension' turning into 'elevation'.[48] Swanston told Montagu:

> There is one thing that is kept up in the Government House, that is spite and ill will towards your friends, and I am considered the head and front of the Arthur faction.

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[42] Swanston to Arthur, draft dated 20 July (no year), Box 23/2, *Derwent Bank Papers*, TAHO.
[43] *Ibid.*
[44] For example, the *Launceston Courier* commented that Sir John was getting more suspicious daily, he feared the Arthur clique and was dubious of their opponents. 'Such is the real state of the gentleman, there is no energy in the state, no sound Colonial policy propounded by the local administration', the newspaper opined. 'It is quite impossible the affairs of government can be worse'. *Launceston Courier*, 20 June 1842, p 2.
[45] J Reynolds, 'Montagu, John (1797−1853)', *ADB*, Vol 2, (Melbourne, 1967), pp 248-250.
[46] Lord Stanley to Sir John Franklin, 13 September 1842, 'the Book', pp 142-144.
[47] *Courier*, 16 December 1842, p 2; *True Colonist*, 16 December 1842, p 2. When this news was printed the Lieutenant-Governor had not received any official word from London. He did not receive advice from Lord Stanley until 18 January 1843, Franklin, *Narrative of some passages*, p 46.
[48] Anstey to Swanston, 19 December 1842, Box 32/14, *Derwent Bank Papers*, TAHO.

> They at first used every endeavour to get Mrs Swanston and myself to attend their parties, but finding they could not succeed their *love* was turned into hatred.[49]

A sensation ensued when the details of Montagu's case arrived in February 1843. These were contained in a package carried by the new Colonial Secretary, James Ebenezer Bicheno, addressed to Montagu's brother-in-law, Forster. On Montagu's directions, Forster passed it to Charles Swanston for the information of their circle of friends. The package contained Montagu's correspondence between himself and James Stephen and Lord Stanley in London and all the evidence and letters of support Montagu had hastily collected before leaving Hobart, including damning comments from his friends about Franklin's administration. The package became known as Montagu's 'book' or 'the Book'.[50]

Implications of 'the Book'

Swanston duly circulated it privately to friends. Reactions to it were revealing indeed. Respected and long-term colonist Archer of 'Woolmers' replied to Swanston that a 'more complete triumph never was achieved'.[51] Archer continued:

> …to himself [Montagu] and his Friends it must be highly satisfactory to know that he stands upon higher ground than he would have done had not his suspension taken place. I shall see Gilles tomorrow and shew the whole to him and to other friends – Weston was delighted to read it.'[52]

Anstey confided that he had begun reading on Monday night and finished on Tuesday. 'I never felt more interest in the perusal of anything,' he declared. 'I admire Montagu's uncommon tact, and his glorious triumph over his dirty foes fills me with delight'.[53]

Somehow confidentiality was broken and the deeply-wounded Franklin came to hear that the book was especially damaging to Lady Franklin. In an era when the very mention of women's names in the public arena was surrounded by protocol and caution, the suggestion that she meddled in the affairs of state was scandalous. The inference also implied his

[49] Swanston to Montagu, 17 February 1843, *Letterbook* RS 9/3(2), p 260-2, UTA. Emphasis in the original.
[50] Incorporated with other documents into GO45/1/1, TAHO.
[51] Archer to Swanston, 6 February 1843, Box 25/3, *Derwent Bank Papers*, TAHO.
[52] *Ibid.*
[53] Anstey to Swanston, 25 May 1843, Box 32/14, *Derwent Bank Papers*, TAHO. The date of Anstey's response to Swanston shows that he read Montagu's book more than three months after Archer and this interval of time tends to verify that Swanston mailed it to select friends one-by-one rather than circulate multiple copies.

incompetency. Extremely upsetting to the vice-regal couple were reported comments of Colonial Government Chaplain, the Reverend Henry Fry, whose letter to friends in England had found its way into the collection. Fry had written:

> Mr Montagu has been obliged to go to England having been suspended by Sir John Franklin on the most trivial grounds, he has fallen a victim to a system of mean and deceitful intrigue, carried on by Lady Franklin and an unprincipled coterie of flatterers. But one opinion prevails on this subject and when you hear that Mr Montagu's suspension took place without a *definite* charge even brought against him of any importance, and that the subject was not considered in the Council, you will be able to judge of the equity of the proceedings against him. Since the death of the Archdeacon nothing has occurred which occasioned so much regret in all ranks of people, for Mr Montagu's activity and zeal in advancing all the interests of the Colony render him looked up to by all as deeply connected with its welfare, and to see him and the Colony sacrificed to female artifice excites universal indignation.[54]

Montagu was a parishioner at St George's Church in Battery Point where Rev Fry was minister at the time. It is also true that Fry was man of God, a 'red-hot Puseyite', and not one to fabricate.[55]

Towards the end of May, Gregson, wrote to Franklin's private secretary, FH Henslowe, declaring the Book placed in the hands of His Excellency's 'more daring enemy', Charles Swanston, aspersed the public and private character of the Governor and was 'eminently calculated to lessen the authority and respect' so justly due to Franklin as the representative of the Sovereign.[56] Gregson advised Henslowe to put His Excellency on guard against 'moral assassination'. Gregson thus revealed himself yet again as an adversary of Swanston. Rumours spread that Franklin was about to dismiss Swanston from the Legislative Council.[57]

In this maelstrom Swanston puzzled how the information had come to the notice of Franklin. Anstey hinted that it had probably been transmitted from Hobart Town solicitor Thomas Young (he had seen 'the Book') to Dr Adam Turnbull, the man who had interceded at Montagu's request with Lady Franklin in an attempt to have his dismissal rescinded and

[54] Rev Henry Fry, 'in letters to friends in England', in 'the Book', GO45/1/1, TAHO. Emphasis in original. It appears the Franklins were told of the contents, but did not get to read 'the Book' until their return to London.
[55] M Roe, 'Fry, Henry Phibbs (1807–1874)', *ADB*, Vol 1, (Melbourne, 1966), p 420. Anstey considered Fry, 'the Puseyite Parson, an honest fellow', Anstey to Swanston, 25 May 1843, Box 32/14, *Derwent Bank Papers*, TAHO.
[56] Letter Gregson to Henslowe quoted in full, *Courier*, 7 July 1843, p 2.
[57] *Launceston Examiner*, 31 May 1843, p 4. This newspaper quipped 'Another case of *suspension* we presume'.

was Acting Colonial Secretary until the arrival of James Bicheno.[58] Anstey reminded Swanston that Turnbull was a relative of Tom Young's.[59] Turnbull was regarded with some suspicion by the Arthurites as he walked a fine line trying to stay onside with everyone during the intrigue and bitterness that characterised politics in Hobart Town.[60] Young figured prominently seven years later when he made scathing remarks anonymously in the press about Swanston's management of the Derwent Bank, discussed further in Chapter 7.

Henslowe was another who had previously prejudiced Franklin against Montagu and was trying to break 'the Arthur faction'.[61] Henslowe tried hard to find grounds to charge Swanston with libel for circulating 'the Book', perhaps hoping to precipitate a call for his resignation. An undated, unsigned document entitled 'Precis of Evidence in support of the following Facts' located with papers regarding the suspension sealed up in October 1879 indicates Henslowe compiled statements from some sixteen government officers and leading citizens about their knowledge of 'the Book'.[62] These included the Chief Justice, Sir John Pedder, who was asked if circulation of 'the Book' constituted libel. The precis recorded that Pedder's reply was 'he ought not say extrajudicially whether in his opinion any writing which has been published here is or is not libellous'.[63] This did not satisfy Henslowe who interpreted the statement to mean: 'From this expression it would appear that Sir John Pedder looks upon Capt Swanston's *circulation* of the Book in question as amounting to a *Publication*.'[64] Henslowe's precis concluded that the circulation was calculated to do harm, as the statements contained in 'the Book' had a pernicious tendency and were injurious to the Lieutenant-Governor, his government and his family. The precis

[58] Anstey to Swanston, 5 June 1843, Box 32/13, *Derwent Bank Papers*, TAHO.
[59] *Ibid.*
[60] L Finlay, 'Turnbull, Adam (1803−1891)', *ADB*, Vol 2, (Melbourne, 1967), p 541.
[61] GT Stilwell, 'Henslowe, Francis Hartwell (1811−1878)', *ADB*, Vol 1, (Melbourne, 1966), p 530. Stilwell considers that Franklin's opponents blamed Henslowe for the dismissal of Montagu. EM Miller claimed Henslowe embarrassed Montagu by intervening when the *Van Diemen's Land Chronicle* (previously granted government 'patronage') attacked both the Franklins and the administration. Correspondence between Montagu and Henslowe was placed by Henslowe before Franklin and set in train the tensions culminating in Montagu's suspension, EM Miller, Pressmen and Governors, (Sydney, 1952), p 220-221. Letters in the *Derwent Bank Papers* show that Anstey, for one, thought Henslowe a 'silly old ass' and a mischief maker, Anstey to Swanston, 17 July 1844, Box 23/2 and 25 May 1843, Box 32/14, *Derwent Bank Papers*, TAHO. Papers in the same collection also reveal that Henslowe used 'Hartwell' as his first name, Henslowe to Swanston, 10 August 1842, Box 23/2, *Derwent Bank Papers*, TAHO.
[62] This document, in handwriting confirmed as Henslowe's, was bound together with the papers constituting 'the Book', 'Correspondence Received Relating to the Suspension'.
[63] *Ibid,* 'Precis', no page numbers.
[64] *Ibid*, emphasis in original.

also revealed that Franklin had 'applied to Captain Swanston for the volume to suppress some portion of it'.[65] A charge of breach of the oath of allegiance was apparently contemplated, but not pursued. Franklin could find no feasible method of getting rid of Swanston. Swanston was much too powerful. Franklin was aware that his own credibility would be further damaged were he to dismiss another prominent public figure.[66]

Franklin later reflected:

> The revelations of the 'book' had dropped, like sparks of fire upon the sun-dried herbage into the most combustible of populations, and had spread with a celerity that baffled all restraint; there was an itching curiosity to know the full measure and quality of these revelations, and the appetite grew with the samples which were given to satisfy it.[67]

As well as this colourful reference to the population, Franklin's tactlessness is witnessed in his reference to Van Diemen's Land being 'that colony also the farthest removed from the protection of Her Majesty's Government, the receptacle of her most refractory and lawless subjects'.[68] Such opinion revealed his underlying remoteness from the population he had governed.

Some commentators have suggested that Swanston's action in displaying 'the Book' exceeded the bounds of propriety and was motivated by personal interest. That may be the case, although there is the possibility that Swanston sincerely believed he was acting in the public interest. Also, in a small society on a distant island in the antipodes, men needed to rely heavily on their friendships and networks, and defending the reputation of one's friends was considered honourable. Swanston, not being a public servant like Montagu's other close allies, was at liberty to defend him. As Roderic O'Connor wrote:

> 'The Book', it would appear has given great annoyance, I was sorry to find that it had been placed in unworthy hands, but fortunately you alone can come in for the abuse consequent upon its *private* publication. Poor Forster! I pity him – He has been lugged into all Montagu's acts, and was it in the power of the detestable Govnr, he would be turned out without one moment's Notice!!![69]

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[65] *Ibid.*
[66] *Courier,* 9 June and 7 July 1843, both p 2, and *Colonial Times*, 18 July 1843, p 3.
[67] Franklin, *Narrative of some passages*, p 65. Brain notes that Franklin did not learn the precise nature of 'the Book' until after his recall, 'Thomas Gregson', p 68.
[68] *Ibid*, p 56.
[69] O'Connor to Swanston, 19 June 1843, CRO.P920.OCO, Crowther Collection, TAHO. Emphasis in the original. Presumably O'Connor considered Swanston to be the only one independent enough to take such a risk

Joel recounts that in 1844, a year after 'the Book' arrived in Hobart Town, Montagu declared that in sending it out he had had 'no wish, no intention of annoying or prejudicing Sir John Franklin or his government, in any way whatsoever.'[70] Joel says that it is unclear whether Montagu meant the manuscript to be circulated, that Matthew Forster was aware of its contents but distanced himself from it, and that in circulating it Swanston 'acted in a manner from which even Montagu might have refrained.'[71] The same argument as above applies: Montagu's close friends needed to defend him, Forster was a civil servant steadying his way through a political quagmire and the task fell to Swanston.

The suspension of Montagu heralded the end of a vice-regal career for the amiable, uxorious Franklin. He struggled on until his replacement by Eardley-Wilmot on 21 August 1843. In the interval between Montagu's suspension and his own recall Franklin suffered considerable humiliation and could do little right. Anstey kept up his criticism of both the governor and his lady, saying Franklin had suffered 'too many Arctic frosts' and frequently referring to him as 'Uncle Foozle'.[72] Swanston's friends continued to share their bemusement at the unusual behaviour of Lady Franklin, with one particular snippet from Forster causing even disbelief. Forster reported to Swanston that while in Launceston His Excellency had not even visited the school, as had been planned, but eaten 'a *great* luncheon'.[73] 'She was locked up in a cell in the Jail in order that she might know whether the ventilation was sufficient!' Forster exclaimed.

Compassionate settlers sympathised with Franklin's pain. Elizabeth Fenton encapsulated a general sentiment when she wrote to Swanston:

> … I have been cheered and delighted at the Triumph of the "good cause" while I cannot help feeling pity for the poor Old Man who was so happy and respectable in

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because the other close friends of Montagu's were civil servants who could be punished by the loss of their positions.

[70] Joel, *A Tale of Ambition*, p 307.

[71] *Ibid*.

[72] Anstey to Swanston, 16 June 1842, Box 32/14, *Derwent Bank Papers*, TAHO. Uncle Foozle was a central character in a comic drama entitled 'My Wife's Mother' by Charles Mathews first staged at the Theatre Royal, London, in 1833. Uncle Foozle was a stickler for routine, loved his tucker and appeared oblivious to all going on around him. Another allusion of Anstey's likened Franklin to the Shakespearean character Jack Falstaff 'larding the lean earth with his tallow' at the time of the Franklins' overland expedition to Macquarie Harbour, Anstey to Swanston, 28 February 1842, Box 24/10, *Derwent Bank Papers*, TAHO.

[73] Forster to Swanston, 13 March 1843, Box 25/11, *Derwent Bank Papers*, TAHO. Emphasis in original.

> His own Walk of Life until He became the Tool of the Sycophants and Parvenus. In the hopes that better Times in every sense of the word both public and private are at hand…[74]

John Reynolds, one of Montagu's biographers, claims the whole affair effectively broke the power of the Arthurite clique.[75] The *Derwent Bank Papers* provide no evidence for this claim. For Swanston and his coterie their successful defence of Montagu was a huge lift to their spirits. It did not, however, put a halt to the worsening economic depression, nor bring the settlers closer to democracy. It could be argued that, in developing the weapons of opposition and in tasting success, the proponents were propelled on to greater levels of political activism, more damaging to the succeeding lieutenant-governor, Eardley-Wilmot, as discussed in the previous chapter. The episode solidified the push for reform that had been building under Franklin's administration and which found vent during Eardley-Wilmot's administration as a demand for popular representation. The Montagu affair caused a fracture of power within the colonial establishment because it polarised society and destroyed the civilised discourse between the lieutenant-governor, the Legislative Council and community leaders. From around this period onwards the respected 'old hands' on the Legislative Council, such as Anstey, Archer and Swanston and a few civil servants, had more credibility with the settlers than did the Crown's representative.

In the aftermath of the Franklin administration, one of the first Bills Swanston introduced to Legislative Council under Eardley-Wilmot aimed at pegging the lieutenant-governor's salary to £4,000, excluding financial responsibility for the farms and the government garden. While the amount was an increase on the previous salary, the bill made it plain that the governor was to have nothing beyond his bare salary except his travelling expenses, strictly limited to official duty.[76] Swanston's measure can be seen as a reaction to the unbudgeted expenditure of Lady Franklin with her travels and various pet projects. Later the same sitting day, Swanston and Pedder showed their disregard and desire to distance themselves from the previous regime, both walking out when Gregson, without notice, began preparing an address to Franklin.[77]

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[74] Elizabeth Fenton to Swanston, 1 July 1843, *Derwent Bank Papers*, CRO31/1/96, TAHO.
[75] J Reynolds, 'Montagu, John (1797−1853)', *ADB,* Vol 2, (Melbourne, 1967), pp 248-250.
[76] *Colonial Times*, 7 November 1843, p 2; *Launceston Advertiser*, 16 November 1843, p 3.
[77] *Launceston Advertiser*, 16 November 1843, p 3.

Achievements as legislator

Reviewing Captain Charles Swanston's contribution to the development of the Tasmanian legislature raises the question of what he attempted and what he achieved. Swanston and his colleagues comprised a significant portion of the body of enlightened opinion referred to by WA Townsley.[78] In opposing the governors, they did not consider themselves an alternative administration: they saw themselves what Denison subsequently called 'the legitimate guardians and advocates of the interests of the people'.[79] They wanted their governor to have the political skills and sufficient credibility to be able to influence the policies of the Colonial Office. They needed an advocate much more than a titular representative of the monarch. The colony was young, with basic foundations still to be laid. They did not want a reincarnation of Arthur and a focus on penal issues. They wanted a leader with a good grasp of economics who listened to their concerns. In Franklin, they had experienced a man seeking community cohesion, religious development and education, as well as celebrity status for himself and his wife. When it came to business, he really was 'Uncle Foozle.' He was pleasant, loved his food, and did not see the severe economic problems looming. Had he pursued pro-business policies, the business sector perhaps could have coped better with the eccentricities of Lady Franklin.

In all, the Franklin administration was dismal for Swanston. Swanston had endeavoured as an MLC, especially through his work on the Estimates, to bring good governance to the colony. His efforts were frustrated by the ineptness of Franklin, the interference of the economically-illiterate Lady Franklin and the remoteness of the decision-makers in London. His defence of Montagu marked his point of departure from Government House circles, as well as severe disappointment stemming from his inability to convince the colonial government of the urgency for economic reform. The regimes of Eardley-Wilmot and Denison also failed Swanston's expectations, as the two governors grappled with the unpopularity and community resentment ensuing from the many troubles of the early to mid-forties.

Being in the public spotlight throughout his career as legislator, with so much hope pinned on him in such volatile and uncertain times, was a large load for Swanston to carry. He

[78] WA Townsley, *The Struggle for Self-Government in Tasmania 1842–1856*, (Hobart, 1951), pp i–ii.
[79] *Votes and Proceedings*, 2 July 1851, quoted in Townsley, *The Struggle*, p 96.

strove for the principles he believed in, confident of the endorsement of his friends, until the burden of his financial losses and the consequent impact on his private life overwhelmed him.

Image 4: The bustling port of Hobart Town, c 1839. J Dumont-D'urville, *Voyage au pole sud et dans l'Océanie sur les corvettes l'Astrolabe et la Zélée, Atlas Pittoresque, v.2, pl.156, 184.Courtesy Australian Museum.*

CHAPTER 5: IN TRADE, AN INFLUENTIAL NAME 'FAR AND WIDE'

> The great merchant should be half a statesman. His occupation of itself, when conducted on the broadest scale, demands the exercise of that wide and comprehensive vision requisite for the operations of a chief minister, or a general, whose plans of campaigns cover half a continent.[1]

In the multiplicity of Swanston's career occupations –army officer, banker, Legislative Councillor, company director, land speculator and import-export agent – the one as merchant was the most constant and long-lasting. It lay at the heart of his ambition. While he prided himself on his military successes, Swanston aspired to be a gentlemanly capitalist, and in Van Diemen's Land by mid-life, he had almost achieved this. He owned property, had ready access to finance, held accounts with some of the world's largest trading houses and received favours and commercial intelligence from a wide international network, including leading merchant shipowners and sea captains. He was a major importer of tea, rum and sugar and other commodities from India and the Far East and an exporter of the prized commodity, wool.

Swanston's interest in trade was acquired probably not from his father, a farmer in the Scottish Borders, but more likely from his prosperous maternal uncle, Bengal merchant Anthony Lambert (1757-1800). It developed further as he rubbed shoulders with civil officers of the Honourable East India Company during his service with the company's army in India and Mauritius.

In pursuing his ambition in Hobart Town, Swanston achieved almost seamless overlaps between his activities as banker, merchant and agent. No conflict of interest was perceived in these multiple roles. In fact, he was following the model of many of the great trading houses, such as John Palmer & Co, Fairlie, Fergusson & Co and Forbes & Co that included banking, insurance, legal and agency services within their routine operations.[2] This adds weight to the suspicion that Swanston tended to regard the Derwent Bank, of which he was major shareholder, as his own trading house and the basis of his own commercial empire.

[1] *Hunt's Merchants' Magazine*, quoted in *Sydney Morning Herald*, 28 April 1852, p 3.
[2] J Holcomb, *Early Merchant Families of Sydney*, (London & New York, 2014), p 7.

Socially connected with the small clique of government officers in Hobart Town, Swanston also fraternised with the town's merchants and business men. In his capacity as a Member of the Legislative Council, he supported their demands for better facilities, port infrastructure and business services. As banker, Swanston provided a sympathetic ear to the merchants' requests for credit or mortgages. Insurance was another area that closely aligned him with the mercantile community.

As agent for local graziers and overseas investors with accounts at the Derwent Bank, Swanston handled their wool clips. He was also a primary producer in his own right, growing wool on his properties 'Glen Ayr' near Richmond, Tasmania, 'Swanston' near the East Coast, and at Port Phillip.

Stanley Chapman's observations on how British merchants responded to the unprecedented opportunities of the Industrial Revolution and growth of the British Empire provided one global perspective for this study.[3] His point about the remarkable achievement of Britain maintaining its position as the world's largest trading nation throughout the nineteenth century considering the tenfold increase in trade, helps explain official attitudes favouring trade during Swanston's career in Van Diemen's Land.[4]

Of course, ideas travelled with trade. Being at the coalface, merchants were the gatekeepers for ideas and innovation and, as illustrated by historian Frank Trentmann, they were the ambassadors of new fashion and taste.[5] New Zealand historian Tony Ballantyne has elaborated upon this theme showing how ideas travelled through the web of the British Empire. On an imagined map, Ballantyne has shown the complex links that caught New Zealand in a web-like structure with 'vertical' linkages between Britain and its colonies (including NZ) and 'horizontal' linkages between NZ and other colonies.[6] Ballantyne's example of how tea-drinking took hold – to the extent that early Europeans in Australasia

[3] S Chapman, *Merchant Enterprise in Britain from the Industrial Revolution to World War 1*, Vol 1, (Cambridge, 1992).
[4] *Ibid*, p 4.
[5] F Trentmann, *Empire of Things*: *How We Became a World of Consumers*, (New York, 2016), pp 38, 81-85.
[6] T Ballantyne, *Webs of Empire: Locating New Zealand's Colonial Past*, (Vancouver, 2014), pp 16-17, 93-99. Ballantyne posits that rather than envisaging the empire's structure as resembling a spoked wheel, where Britain was linked to each colony through a discrete and self-contained relationship, this model reimagined the empire as more dynamic with a shifting set of linkages between Britain and its colonies.

drank about six times as much tea as their counterparts at home in Britain – serves as an example of how quickly fashion and custom spread with trade.[7]

'Merchant' and 'Merchant Statesman'

The terms 'merchant' and 'merchant statesman' as used in this study are discussed in the introduction. Patently, Swanston was a merchant – he identified as one and was recognised as such by the mercantile sector and the wider community. He had the advantage of also being a prominent financier. The trope of merchant statesman is useful in considering his actions and characteristics during his trading activities as well as his role as legislator, covered in the two previous chapters.

Charles Swanston's maternal uncle Anthony Lambert provided a model for Swanston. Born at Berwick-upon-Tweed, he went to India as a cadet in the East India Company and served for eleven years before founding the merchant house of Lambert & Ross in Calcutta.[8] He was Sheriff of Calcutta in 1792, the same year that his firm, then Lambert, Ross & Biddulph, became the first merchant house to send goods to the half-starved fledgling settlement of Sydney. Margaret Steven writes that when the *Guardian* − the supply ship anticipated in Sydney − was lost off the Cape of Good Hope, Lambert, Ross & Biddulph took the initiative to offer a cargo of supplies to the settlement, pointing out that this would be cheaper than sending supplies from England.[9] Thus began trade from India and the use of ships licensed by the East India Company as convict transports. A largely self-educated man, Lambert made a fortune, profited from the opium trade when it was legal, was an authority on oriental trade, and was an active member of the Asiatic Society. His treatise 'On the Maritime Commerce of Bengal' was still being referenced after his death.[10] Lambert's obituary claims that he was so highly regarded, wise, virtuous, high-minded and honourable, that all business associates hoped for his friendship. 'His schemes expanded into the views

[7] *Ibid*, pp 86-87. Ballantyne elaborates that in the 1870s New Zealanders became the most avid tea-drinkers in the world.
[8] *Lambert Family Papers* per John Kenyon*, pers com*, 28 October 2013.
[9] M Steven, 'Eastern trade', J Broadbent, S Rickard & M Steven, in *India, China, Australia: Trade and Society 1788–1850*, (Glebe, NSW, c 2003), p 33.
[10] A Lambert, 'On the Maritime Commerce of Bengal', *Asiatic Annual Register*, (London, 1803), pp 1-43.

of a statesman; and they were not less calculated to benefit himself, than to promote the interests of his country', according to the obituary.[11]

Lambert enhanced the Swanston family's life by leaving his sister £1,000 out of his 'ample fortune' at a time when Rebecca Swanston needed it.[12] Lambert died at Portland Place, London, on 17 January 1800, soon after his retirement from Calcutta. His portrait, housed in the Harvard Museums, depicts a strikingly handsome, elegantly-dressed man in the prime of life surrounded by books, writing materials and his hookah.[13]

Charles Swanston would have been a young boy when his illustrious uncle returned to Britain, and he would have heard of Lambert's exotic life. Swanston's endeavours in scope, intent and imagination emulated his uncle's. Swanston travelled extensively, had the eye of an army strategist and, as financier and legislator, operated in the national interest, as well as for his own good. Swanston traded with many of the same trading houses his uncle would have known, and his own name in his own time was probably known across as much of the globe as Lambert's. His gentility, respectability and style were proven by his circle of friends and as one who entertained the lieutenant-governor and many eminent guests at 'New Town Park'. But unlike his uncle's fortuitous run in Calcutta, Swanston's time in Van Diemen's Land was not so propitious. Whereas Lambert was a trader, Swanston sank his capital into property and the Derwent Bank, both assets inter-dependent. The green island with its fertile soils and healthy climate was a perfect place to own property and to bring up children, but once Melbourne and Adelaide – with their expansive and seemingly unlimited interiors – were settled in the mid-1830s, Van Diemen's Land's ports were by-passed and its commercial relevance diminished.

The term 'entrepreneur', used by Chapman in his definition of merchants in 1992 and a French word that has come into the English lexicon since the latter part of the nineteenth century, also warrants definition in this context.[14] It has been applied, in a sense

[11] 'A character of the late Anthony Lambert, Esq, many Years a distinguished Merchant in Bengal', *Asiatic Annual Register for the Year 1798–9*, pp 77-78.
[12] *Lambert Family Papers* per John Kenyon, *pers com*, 28 October 2013. As mentioned in Chapter 1, Anthony Lambert requested that the inheritance was not to be put at the disposal of Rebecca's husband, Robert Swanston, and specifically appointed two trustees to act for her benefit.
[13] Lambert's portrait, by Antoine Cardon after Robert Home, is housed in the Harvard Art Museums/Fogg Museum, the gift of Belinda L Randall from the collection of John Witt Randall, R7647.
[14] Chapman, *Merchant Enterprise in Britain*, p 3.

retrospectively, to many pioneer and enterprising merchants of the Australian colonies, including Swanston. Max Hartwell and Jacqui Lane provide a nice contemporary definition, saying:

> Entrepreneurs are first and foremost innovators who can see opportunities to create where others cannot. They are also managers who can bring together the human, financial, physical and intellectual resources necessary to create the product or service they have envisaged. The difference between the real and mislabelled entrepreneur cannot be overstated. All they share in common is risk taking, but in one case it is the taking of calculated and purposeful risk and in the other it is no more than gambling. [15]

Hartwell and Lane list the qualities that characterised early entrepreneurs as the ability and willingness to accept risk; courage, innovation, determination, persistence and versatility; the diversification of effort and capital; a preparedness to 'give it a go', and managerial skills and foresight.[16] Such qualities are seen in Swanston, in varying balance, throughout his activities as merchant.

Hobart Town's Mercantile Community 1830-50

The early nineteenth century was a time of great global trade expansion with a fast-industrialising Britain exporting her new manufactured products and sourcing raw materials in her colonies. It was a watershed in the development of modern finance and commercial services aided by the new technologies of the industrial revolution, such as rail transport, steam engines, electric telegraphy and copying machines. New forms of insurance, such as fire and life insurance, added to the long-established practice of marine insurance. Private trading houses and joint stock companies proliferated with their agents posted in major trading ports around the globe. Geoffrey Jones has calculated that the value of international trade doubled between 1820 and 1850.[17]

When Swanston settled in Hobart Town permanently in October 1831, the mercantile community was small but vocal. It had grown from a nucleus of only twelve merchants in

[15] M Hartwell and J Lane, *Champions of Enterprise: Australian Entrepreneurship 1788–1990*, (Double Bay, 1991), p 431.
[16] *Ibid*, p 99.
[17] G Jones, *Merchants to Multi-Nationals – British Trading Companies in the Nineteenth and Twentieth Centuries*, (Oxford, 2000), p 17.

1820 to include representatives of some of the larger agency houses of England and Scotland.[18] As previously outlined, it was served by three banks – the Van Diemen's Land Bank, the Derwent Bank and the Commercial Bank – a string of warehouses along Hunter Island causeway and Sullivan's Cove, plus hotels and taverns, auction rooms, general stores, newspapers and a resident Lloyd's agent. The Lloyd's agency was in the capable hands of Scottish merchant and woolgrower James Grant, operating from his home at Cottage Green near Salamanca, handling insurance claims and disseminating the all-important commercial intelligence for which Lloyd's was so famous.[19]

The busyness of the port alone must have given merchants a sense of being part of a significant outpost in the New World. Anchoring in the harbour were ships from all quarters of the earth – from Calcutta, Philadelphia, Batavia, China, Sydney, England, Manila, Bengal, Leith (Scotland), Mauritius, the Fiji Islands and Russia.[20] Merchant sea captains often carried a speculative cargo to sell in the town and some, such as Captain Andrew Haig (1793-1871) associated today with the gracious stone home 'Narryna' in Battery Point, were so impressed by the prospects they returned to settle.[21] The amount of investment capital attracted to Van Diemen's Land in the 1830s, plus the capital brought by settlers, gave rise to a large demand for utilitarian and luxury goods.

James Broadbent describes both Hobart and Sydney at the time as 'polyglot entrepots' with imports including French wines, German hams, Spanish cigars, Chinese tea, rice, ginger, preserves and silks, Irish linens and Scotch cambrics, Indian cottons and furniture, English rosewood pianos, Brussels, Wilton and Axminster carpets, Wedgewood earthenware and Cantonese porcelain, French ribbons and Chinese fans, Sheffield plate and Chinese flatware, among a wide range of other goods.[22] The frontier culture was a sophisticated one.

Swanston's peers included merchants Walter Angus Bethune, James Grant, George Frederick Read, Anthony Fenn Kemp, William Orr, Henry Hopkins, JG Jennings, David Ribeiro

[18] Edward Abbott's evidence to the Bigge Enquiry in 1820, *Historical Records of Australia* (hereafter *HRA*), Series iii Vol iii, p 261. Abbott identified the twelve merchants as Messrs Rabey, Lewis, Fryatt, Kemp, Reid, Loane, Birch, Lord, Bunster, Jones, Captain Fergusson and Mr Gatehouse.
[19] Robin, 'Lloyd's: Australian Beginnings', pp 139-40.
[20] *Van Diemen's Land Pocket Almanack 1824*, (Hobart Town, 1824), p 42.
[21] Captain Haig purchased two acres of land by the waterfront when he brought in the *Snipe* in June 1824 and returned nine years later to establish and business and home there. Unpublished manuscript regarding 'Narryna', courtesy Scott Carlin, Manager, House Museums, Tasmanian Museum and Art Gallery, August 2012.
[22] J Broadbent, 'Fashioning a Colonial Culture', Broadbent, Rickard and Steven, *India, China Australia*, pp 22-23.

(JB Montefiore's agent in Hobart), John Walker, Captain Stephen Addison, Robert Kerr (Kerr, Bogle and Co), Charles Seal, James F Strachan, Henry Davidson (Davidson & Clark, Engineers), brothers John and George Watson (shipbuilders and entrepreneurs), James Duncan, Captain Andrew Haig, Captain Charles McLachlan (formerly with the Australian Leith Co), Richard Cleburne, Askin Morrison and Peter Degraves. Much of the driving force for reform of the penal administration throughout the 1830s and forties came from these men.

Many merchants owned whaling shares and they ploughed their profits into broader-based businesses and assets. At the peak of shore whaling in the 1830s, at least sixty stations were operating around the island's shores, producing exports worth £100,000. A decade later, during the era of pelagic whaling, at least thirty-seven Hobart Town ships were involved in the trade.[23] Ship-owning was an important investment and it was common for merchants if they could not own a vessel outright to take shares with other merchants. At various intervals Swanston owned shares in at least four ships, *Emma Kemp, Water Witch, Thames* and *Adelaide*.[24] Shares in vessels changed hands frequently and were often used as collateral in other deals. Business partnerships and the trading of mortgages on properties were common practice.

In the down times, individual collapses had a domino effect. The merchants were conscious of the need for some kind of umbrella to protect and promote their interests. When a group of 'merchants and traders' met in Hobart on 17 February 1829 with the intent of forming a Chamber of Commerce, they set as one of their top priorities obtaining a long room of their own 'assimilating it in miniature to the Royal Exchange and Lloyd's Coffee House.'[25] Their priority reveals their desire to reproduce the familiar commercial institutions of the old country. Key speaker at the meeting, the former Attorney-General, Joseph Tice Gellibrand (1792-1837), who had strong interests in whaling, heightened the fervour in emphasising that 'from the great rise of our commercial consequence in the eyes of the world, it behoves us to establish those places of resort where mercantile affairs daily negotiated can be conveniently and uninterruptedly transacted and canvassed, instead of making the corners

[23] S Lawrence, 'A Maritime Empire: Archaeological Evidence for Van Diemen's Land Whaling in the Southern Oceans', *Tasmanian Historical Studies*, Vol 13, 2008, p 15. Shore-based whaling is known also as 'bay whaling'.
[24] G Broxam, *pers com*, 28 July 2014. All four ships were registered in Hobart Town.
[25] *Colonial Times*, 20 February 1829, p 3.

of the streets the Lloyd's of Hobart Town'.[26] The meeting agreed that its first formal session on 2 March should be set up in resemblance of the Long Room at Lloyd's, furnished with all the colonial journals, the English current prices and publications, a list of all vessels about to sail for England and elsewhere 'as in Lloyd's', and the advertisements of merchants and traders. Whether this nostalgic atmosphere was ever created is not known. Interest in this first initiative lapsed, but memories of Lloyd's establishment did not. In May 1840 when a large group of Van Diemen's Land bankers, agriculturalists and businessmen started gathering subscriptions to establish a Commercial and Agricultural Exchange in Hobart, they claimed that no exertions would be spared to make the exchange 'as similar to Lloyd's as is possible.'[27]

Just as the bankers were a powerful force when they united,[28] a type of 'unity in adversity' existed amongst the merchants and mariners who pulled together in times of hardship or discrimination. A case in point occurred in 1842 when the incumbent Lloyd's agent, James Grant, retired and Grant's deputy, Haig, was overlooked in favour of the newcomer, Thomas Daniel Chapman of the firm of Kennard, Chapman & Co. No fewer than sixty-two 'importers and parties interested in the marine affairs of this colony' despatched a memorial to Lloyd's Committee in London stating their support for Haig.[29] The memorial was in vain and Chapman went on to be an excellent Lloyd's agent and subsequently treasurer and premier of the colony, but the action demonstrates the support that the merchants could garner, including in this case three leading bankers as signatories − John Dunn, Charles Swanston and Cornelius Driscoll.

In her study of early Sydney merchant families, Holcomb points to similar camaraderie among merchants in Sydney. She asserts that commercial secretiveness lay at the heart of mercantile enterprise, but when the situation warranted Sydney merchants engaged in joint

[26] *Ibid.*
[27] *Colonial Times*, 26 May 1840, p 1; *Hobart Town Courier and Van Diemen's Land Gazette,* 31 July 1840, p 1. Although within two months the list of potential subscribers had grown to sixty-nine, the rooms do not appear to have been established.
[28] As demonstrated by the two banks approaching Lieutenant-Governor Arthur regarding the regulation of specie, see Chapter 2.
[29] Memorial to Lloyd's, 10 October 1842, NS88/1/1, Tasmanian Archive and Heritage Office (hereafter TAHO).

action to address their common concerns, including British shipping regulations, tariff barriers, colonial monetary standards and exchange rates.[30]

In Hobart Town, the increasing commercial activities were noted as a sign of progress by the government and the more successful merchants achieved respectability when appointed Justices of the Peace.[31] They were seen as part of the elite, dining at the governor's table, supporting the churches and community causes and helping to create a society analogous to that left behind in England. Across Bass Strait, the prestigious gentlemen's Melbourne Club, founded in 1838, only three years after the settlement began, embraced merchants in its membership. William Frederick Augustus Rucker, the merchant who had briefly operated a branch of the Derwent Bank before the Port Phillip Bank was established, was the earliest merchant to be elected to the club and became the thirty-first member on its roll. During the 1840s at least twenty merchants, bankers and men of business were welcomed as members.[32]

Hartwell and Lane note the 'universal spirit of enterprise' and the 'capitalist ethic' were obvious in the Australian colonies well before 1850 and that rewards from commerce were highest before that date.[33] They emphasise:

> The richest men in the Australian colonies were merchants, and they prospered in a difficult market in which the time lag between ordering goods for colonial consumption and the arrival in the colony was twelve months or more. Such depended on good judgement about future market conditions and changing tastes and needs.[34]

Swanston's way of business

Swanston's trading activities conferred many benefits on the economy of Van Diemen's Land. His prolific writing to former army colleagues and merchant friends in India promoted immigration to the colony as well as investment in land, Derwent Bank shares and his own

[30] Holcomb*, Early Merchant Families,* p 147.
[31] Appointees included in 1817: Anthony Fenn Kemp Esq. and Joshua Fergusson; 1818: Richard William Fryett, Edward Lord; 1819: George Frederick Read, James Reiby, William Bunster and David Lord. *HRA* Series III, Vol IV, p 73.
[32] P de Serville, *Port Phillip Gentlemen and Good Society in Melbourne before the Gold Rushes*, (Melbourne, 1980), p 65.
[33] Hartwell and Lane, *Champions of Enterprise*, p 79 & 97.
[34] *Ibid*, p 97.

agency services. His personal reputation as an astute observer who would do nothing except for personal gain, noted by Elizabeth Fenton in 1830, provided confidence to many a potential investor.[35]Swanston's impressive connections were recognised from the moment he first set foot in Van Diemen's Land. The news that the 'prince of merchants', John Palmer of Calcutta, had failed in January 1830 was presented in the *Colonial Times* in the pretext of concern for Swanston, then on an extended visit from India.[36] The newspaper reported that Swanston had given orders to the firm to sell a considerable amount of Government stock and to remit him the money. He had received a letter, dated about fourteen days before the failure, saying that Palmer & Co had not then sold out. 'We can easily imagine what state of suspense he [Swanston] will be in till further information can be obtained,' the article continued, 'and we sincerely hope that it will ultimately turn out that the funds are still in the Government securities, and that he will in no way be injured by the failure.' The *Colonial Times* speculated that Palmer & Co's failure was likely to result in 'a complete stagnation' in all Indian commerce.[37] Steven notes that in 1829 the English economy faltered seriously and between 1829 and 1834 all the major agency houses in Calcutta failed, bringing down with them some of their London partners and agents for a total liability of about £15 million.[38] Swanston's personal loss of £7000 in the collapse of John Palmer & Co in 1830 was a setback, although not a deterrent, to his ambitions. Swanston had witnessed the weakening of the East India Company and the dismantling of the Navigation Acts and, like other capitalists, saw the opportunities, tentatively arising, for free trade.

In his initial years in Van Diemen's Land, Swanston's most useful mercantile outcome was the place he secured for Van Diemen's Land in the significant trade network of India and the Far East. In return for commodities such as teas, rum, sugar, rice, coffee, silk, cotton, indigo, porcelains, ginger, preserved fruits and other foodstuffs, Van Diemen's Land was able to export whale oil, timber and wool.[39] The geographical extent of Swanston's reputation is

[35] E Fenton, *The Journal of Mrs Fenton 1826–1830: A Narrative of her life in India, the Isle of France (Mauritius), and Tasmania during the Years 1826–1830*, (London, 1901), p 366-367.
[36] Palmer was agent to the contractors engaged to victual His Majesty's Navy and amassed limitless wealth from the range of his commercial ventures, including indigo farms, ships and the opium trade, S Rickard, 'Lifelines from Calcutta', in Broadbent, Rickard and Steven, *India, China, Australia*, p 67.
[37] *Colonial Times*, 19 March 1830, pp 2-3.
[38] Steven, 'Eastern Trade', p 55.
[39] The types of teas, from India and China, included black and green, hyson, gunpowder, pekoe, pouching and souchong, Broadbent, 'Fashioning a Colonial Culture', p 23.

best exemplified by former colleague WD Bernard, who, when passing through Launceston en route to the East Indies and more distant trading posts, asked Swanston for an introduction to any of Swanston's numerous friends in the East, 'knowing how influential your name is, far and wide'.[40]

Swanston's letterbooks show that he traded with some of the most prominent trading houses and financial institutions in the world, for example, in London: Messrs Fairlie, Bonham & Co, Scott Bell & Co, Parbury Allen & Co, Bogarth & Buckles, Thomas Warding, Robert Brooks, Walter Buchanan, Barnett, Hoare & Co, and Messrs GF Kinlock & Sons; in Canton: Messrs Magniac & Co, Messrs Jardine Matheson & Co; in Calcutta: Lyall Matheson & Co; in Madras: Messrs Arbuthnot & Co and Messrs Binning & Co; and in Mauritius: Messrs Lang and Bonham.[41] Individual correspondents included Captain Pearson, owner of *Lady of the Lake*, and H Wright both in Canton; George McKillop of Calcutta (before he moved to Van Diemen's Land then Port Phillip); Major-General John Briggs, George and Stephen Adey, James Kinlock of Messrs GF Kinlock & Sons, Capt F N Balmain, Sir CW Maxwell CB of the United Services Club, Sir George Best Robinson, Bart, and Colonel Vans Agnew CB at East India House, all of London; Peter Murdoch of Glasgow, George Mercer of Edinburgh, and Lieutenant-Colonel Breton, William Cracroft and Colonel Leahy, of Sydney. His network also included a number of smaller concerns and other individuals in London, Madras, Canton, Edinburgh, Cork, Hertfordshire, Lancashire, Glasgow, Dundee, Manila, the Netherlands, Sydney and Port Phillip.[42]

SJ Butlin says the trading practice of the large firms in the eastern seas trade was to forward goods to Swanston of the types and quantities based on his advice, which he then disposed of, usually to wholesalers in Hobart Town, but sometimes as far afield as Sydney or Adelaide.[43] He remitted the proceeds, less expenses and his commission. Butlin's interpretation highlights the one benefit that distance might have conveyed upon Swanston, saying: 'Remittance might be direct to the firm or to its head office or agent in London, and took whatever form was available, the most satisfactory being bills on the British treasury,

[40] Bernard to Swanston, 17 March 1842, Box 24/10, *Derwent Bank Papers*, TAHO.
[41] 'Swanston Letterbook July 1835 onwards', CRO24/1/1, Crowther Collection, TAHO. See also Swanston's Letterbooks RS9/2 (1–3) and RS9/3 (1-3), University of Tasmania Archives (hereafter UTA).
[42] *Ibid*.
[43] SJ Butlin, 'Charles Swanston and the Derwent Bank, 1827–50', *Historical Studies: Australia and New Zealand*, Vol 2, No 7, 1943, p 170.

which thus started journeyings in the east which might delay their presentation to the Treasury for two or three years'.[44]

The quantity of the goods Swanston was handling was considerable. Not only did he erect his own warehouse at Salamanca in 1836, he rented the vaults under the Customs House from the colonial government in the early 1840s.[45]

Being known across the seven seas was one trait that Swanston shared with his illustrious uncle. Another, incidentally, was that he smoked the hookah.[46] The high-minded and honourable characteristics so lauded in the uncle, however, were not always exhibited in the nephew. Swanston's business dealings, even those involving his fellow merchants in Hobart Town, were sometimes sharp. To his vexation, one early incident took him before the court and a significant jury in December 1834. In August 1832 he had written a letter of introduction to Messrs Magniac & Co in Canton for Askin Morrison of Hobart Town. Morrison was about to visit that port for the first time to purchase 'Teas'.[47] The growing demand for tea was a boon to business. Steven points out that the demand was reinforced particularly when it was added to the official ration for convicts.[48] In Canton, Morrison purchased a cargo of teas (successfully shipped on the *Resource*) and ordered a second small assortment (later shipped on the *Lady of the Lake*), not from Magniac & Co, but from Jardine and Matheson – the house that Swanston represented as agent in Van Diemen's Land. Jardine and Matheson shipped the teas to Swanston's address, making it clear that the teas were those ordered by Morrison and instructing Swanston to offer them to Morrison at the agreed price. The firm instructed that if Morrison refused them they should be offered to Messrs Edwards and Hunter in Sydney and if Edwards and Hunter also refused, that Swanston should make the best possible sales on the firm's account. When Morrison notified Swanston that yes, he did want to purchase the assortment, Swanston refused the

[44] *Ibid.*
[45] H West to Swanston, 2 June 1836, Box 32/15, *Derwent Bank Papers*, TAHO. Builder Henty West's specifications show Swanston's warehouse was between the Bonded Store and that of Kerr & Co and included two foot thick rubble walls on the ground floor and eighteen inch thick walls above; GTWB Boyes to Swanston, 28 June 1842, Box 22/3, *Derwent Bank Papers,* TAHO.
[46] Swanston's hookah habit is revealed in a draft of a letter requesting fireballs, Box 34/2, *Derwent Bank Papers*, TAHO.
[47] Swanston to Messrs Magniac & Co, ? August 1832, *Letterbook* RS 9/3 (1), p 14, UTA.
[48] Steven, 'Eastern Trade', p 59. Steven notes that Commissioner Bigge was impressed by the appearance of tea as a 'constant accompaniment to the meals of the middle and lower classes of inhabitants' and admitted the beneficial effect it had on the otherwise exuberant drinking habits of colonists.

sale, claiming he was authorised to do the best he could for the benefit of the principal. According to a newspaper report of the court case, Swanston asked a higher price than agreed for the teas, so Morrison declined the offer.[49] The jury returned a verdict in favour of Morrison and damages were set at £1,547.0.4. The most humiliating part for Swanston was that the jury had been assembled of businessmen – fellow merchants, the peers he regularly competed and dealt with.[50] His friend Anstey, sought to console him, writing that he could not understand the grounds for the verdict: if Morrison felt himself damnified, he had his redress in an action against the owners of the tea.[51] 'It is now the sole theme throughout the interior – and the pro and con folks keep alive their arguments with no little heat,' Anstey sympathised.

In an unstable economy where competition was common, litigation between associates was rife. This particular case did not cause long-term damage to the relationship between Swanston and Morrison. In his final chastened days in Van Diemen's Land, Swanston appointed Morrison to act as trustee for him in his banking affairs.

Issues of commercial concern regularly occupied Swanston in his capacity as Member the Legislative Council. For example, in September 1834 he presented a petition from business interests requesting that Calcutta Sicca rupee, South American dollars, and dollars of the United States, and the piece of five francs of France should be made legal tender in payment of money, at their respective value as bullion.[52] The next year he was an active member of a council committee that consulted on the subject with merchants, bankers, tradesmen and other inhabitants and recommended to the government in June 1835 that the Sicca Rupee and the US dollar would remedy the inconvenience of the shortage of circulating medium in the colony.[53]

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[49] *Colonial Times*, 16 December 1834, p 6.

[50] The case was tried before the Chief Justice and the 'special jury' comprised JW Murdoch, David Lord, Thomas Hewitt, JFF Kerr, HJ Emmett, David Furtado, Charles McLachlan, WM Orr, AF Kemp (foreman), J Gordon, JO Gage and A Crombie, Esquires. Mr Gellibrand represented the plaintiff, and the Attorney-General, the defendant. *Colonial Times,* 16 December 1834, p 6.

[51] Anstey to Swanston, 25 December 1834, Box 32/9, *Derwent Bank Papers*, TAHO.

[52] *Hobart Town Courier*, 5 September 1834, p 3.

[53] *Hobart Town Courier,* 26 June 1835, p 2. This newspaper's report praised the efforts of the committee-men – JL Pedder, John Gregory, GB Barnes and Charles McLachlan – as well as witnesses and said the report showed 'the great pains and research that is taken before any public measure is adopted.'

The committee was mindful, largely through Swanston's advocacy, that legalising the Sicca Rupee would induce gentlemen retiring from India to settle in the colony and to bring their capital with them. While supporting the committee's main recommendations, Swanston dissented on the value fixed for the Sicca Rupee, at two shillings, about a halfpenny below its mint value. He did this on the grounds that the Lords of the Treasury had directed that the Sicca Rupee should be received at the rate of two shillings and one penny in all British colonies and that it was unjust to soldiers paid from the military chest who would lose one penny on every rupee.[54] Anstey promptly wrote that he was 'highly pleased' with the report, continuing: 'Your dissent is seasonable, reasonable and just. I know nothing on the abstruse subject of the Currency, which has been so much discussed by Ricards, M^{c}Culloch & others, but any men of plain common sense can see the propriety of your grounds of dissent.'[55] In September 1835 Swanston advised the Calcutta House of Lyall Matheson & Co that the Calcutta Rupee had been declared legal tender, adding that it was hoped that this action would encourage people visiting from India to 'bring down' the rupees with them, regardless of the high exchange rate of 2/- per rupee.[56]

The timing of Swanston's involvement in the development of financial policy highlights the extraordinarily active life that he was leading while managing the Derwent Bank and his wide-ranging business interests. The release of the council committee's report coincided with the peak of excitement about John Batman's discoveries at Port Phillip, the beginning of Swanston's campaign for legal possession of the fine grasslands and his plans to involve Edinburgh investor George Mercer in creating vast pastoral estates across Bass Strait, as discussed in the following chapter. Among routine activities Swanston was preparing for the half-yearly meeting of shareholders of the Derwent Bank for declaring the half-yearly dividend on 8 July 1835.[57] The previous week his eldest daughter, Laura, had married the up-and-coming Solicitor-General, Edward Macdowell, at New Town at a celebration attended by Hobart Town's elite.[58]

[54] *Launceston Advertiser*, 2 July 1835, p 5.
[55] Anstey to Swanston, 27 June 1835, Box 32/9, *Derwent Bank Papers*, TAHO.
[56] Swanston to Lyall Matheson & Co, 28 September 1835, *Letterbook*, CRO24/1/1, Crowther Collection, TAHO.
[57] *Colonial Times*, 30 June 1835, p 1.
[58] *Cornwall Chronicle*, 27 June 1835, p 2.

Another important committee of Council that Swanston served on was the one set up by Arthur in 1835 to examine how the insolvent law might be improved. It was chaired Attorney-General Alfred Stephen with other members being Messrs Kerr, McLachlan and Proctor. The resultant legislation, *3 Vic No 1*, set out a scheme of bankruptcy administration with more than one hundred sections, including a tribunal which came to be called the 'Insolvency court'. Legal historian JM Bennett states that the act was far superior, in most respects, to the cycle of experimental acts being tested in New South Wales.[59]

In 1839 – the peak year of whaling in the colony – Swanston advocated to the government that specific oil wharves should be built detached from the public New Wharf and away from the warehouses and bonded stores. He argued that in the whaling season, oil on the New Wharf sometimes ran ankle deep and fire posed a serious risk to the whole shipping of the port. He felt it his duty to warn that a 'truly awful' conflagration could occur if fire on the oil spread to the bonded stores containing many thousands of gallons of spirits and wines 'the property of every merchant in the colony'.[60] In a more minor example of acting on the demands of Hobart Town merchants, in 1846 Swanston negotiated between the government and merchants for the government to construct a main barrel drain along the warehouses lining the New Wharf, on the proviso that each merchant would carry a drain from his store into it at his own expense.[61]

One of the great bonding and networking opportunities for the leading merchants in the 1830s and into the forties was membership of the Anniversary Regatta Committee. Although usually a subscriber to the annual regatta, Captain Swanston did not serve on the committee. However, his eldest son, Charles, did in 1843. This was a significant year in the regatta's annals as the previous one, in December 1842, had been marked by absence for the first time of the lieutenant-governor. The 1842 regatta committee had decided to run the event without vice-regal patronage following Franklin's disparaging comments about drunkenness the previous year and his proposals to ban the beer booths from the spectators' viewpoint on the Domain and to limit access to the pavilion to only 'respectable'

[59] JM Bennett, *Sir Alfred Stephen: Third Chief Justice of New South Wales 1844–1873*, (Sydney, 2009), pp 61-64.
[60] Swanston to the Colonial Secretary, 27 July 1839, in draft, Box 23/2, *Derwent Bank Papers*, TAHO.
[61] Lieutenant-Governor Eardley-Wilmot to Swanston, 29 June 1846, Box 11/5, *Derwent Bank Papers*, TAHO.

inhabitants.[62] The newly arrived Eardley-Wilmot threw himself into the 1843 event and to wind up the day hosted a lavish fancy dress ball at government house, 'one of the grandest spectacles ever witnessed in Van Diemen's Land'.[63] At the ball Swanston cut a dashing figure in fancy oriental dress. He wore a superb sword, 'the reward of some of his many services in India; a more beautiful weapon could scarcely be conceived and justifiably received the unqualified admiration of all present'.[64] Eighteen-forty-three was young Charles' only year on the Regatta Committee because he left soon after for Port Phillip.

Agent for George Mercer

The most significant agency Swanston held was for Edinburgh client George Mercer. As mentioned in chapter 2, through Swanston, Mercer had offered an initial investment of £20,000 in property in Van Diemen's Land with the expectation that wool growing would produce a steady income stream for himself, sons and a favoured nephew. He had sent out an overseer, shepherds, ploughman and their families to realise his vision.[65] In February 1835 Mercer appointed his son, George Duncan Mercer (then in the army of the East India Company in Bengal), Swanston and another resident of Van Diemen's Land, Captain Patrick Wood, to manage his several farms in Van Diemen's Land and his concerns and interests in New Holland.[66] The legal document, drawn up by Mercer's lawyers in Edinburgh, stipulates that if these men defaulted, George McKillop and Thomas Learmonth, both by that time of Hobart Town, would take over as agents. Mercer's property in Van Diemen's Land included 'Noble Farm' in the Sorell district and property at Kangaroo Bay (Bellerive). The same month

[62] Franklin's stipulations were taken as a great insult. Outspoken committee man Thomas Macdowell claimed it was an insinuation that the community was 'so depraved as not to be trusted to take care of themselves'. It gave rise to the sentiment in some quarters that Franklin's mind had been effectively poisoned against the people over whom he had been appointed to rule, *Colonial Times* 1 November 1842, p 2 & 22 November 1842, p 2. The animosity had grown rapidly after Franklin's suspension of Montagu and the effects of the depression gripping all sectors of the community.

[63] *Launceston Advertiser*, 7 December 1843, p 2.

[64] The sword was probably either the Sword of Honour Swanston received after accompanying the first Lord Bishop of Calcutta, Dr Middleton, on his tour through the Madras territories in 1816, or the sword presented in the name of His Majesty the King of France for Swanston's services in receiving the Governor General of the French settlements in India, Comte Du Pay, and conducting him to Pondicherry when that settlement was restored to French Authority, also in 1816, Anon, *Statement of the Services of Captain Charles Swanston*, London, 1891, pp 4-5.

[65] G Mercer to Lord Glenelg, 14 December 1836, *Crowther Collection*, CRO.Q.994.5.POR, TAHO.

[66] Captain Patrick Wood, who like Swanston, had an early career in the army of the Honourable East India Company, arrived in Van Diemen's Land in 1822 and established his property 'Dennistoun' at Bothwell. He arrived in the company of fellow Scots, Philip Russell who initially managed the property, and Alexander Reid who established his own place 'Ratho' at Bothwell. PL Brown, *The Clyde Papers, Prologue 1821−35,* (Melbourne, 1941), pp 4-5.

Swanston purchased the large estate of 'Lovely Banks', near Melton Mowbray, for Mercer for the price of £7248-0-0.[67] He advised Mercer that he had leased 'Kangaroo Farm' on an improving lease at a rental of £25 per annum and another 'little farm' on an improving lease at £20 annual rental. Other properties that Mercer purchased, or held an interest in, included 'Gorthy' on the upper reaches of the Jordan in the Jericho district (later known as 'Ellesmere' under the ownership of John Roe) and 'Hollow Tree Bottom' in the Richmond locality where Mercer had stock in the mid-1830s.[68] Mercer's overseer, David Fisher, initially superintended these properties under Swanston's direction.

Just as Mercer's investments in Van Diemen's Land were expanding, Swanston's attention was diverted by the discovery of the great grazing plains of Port Phillip. He told Mercer: 'In New South Wales you may purchase the best lands for 5 shillings per acre in the heart of the Colony – and on the outskirts you take thousands of acres and hold possession of them for nothing whilst here no good land can be purchased from government at the public Sales under 1£ per acre.'[69] This letter marks the beginning of Swanston's refrain that 'the field of this colony is too limited' and his sales pitch to Mercer about prospects in Port Phillip. By this date −25 May 1835 − John Batman in the *Rebecca* was already on his exploratory expedition to Port Phillip and Swanston was a member of the syndicate sponsoring him.[70]

The money that Mercer put into Swanston's hands for the purchase of property in Van Diemen's Land was great encouragement for Swanston's future speculations. He was confident enough of Mercer's approval to assume Mercer would wish to participate in the Port Phillip speculation and, by August 1835, told him that he was conducting his own and Mercer's business in this venture 'as a joint concern as the most convenient and cheapest measure of arranging the affairs'.[71] Chapter 6 examines Swanston's involvement in the settlement of Port Phillip.

[67] Swanston to Mercer, 25 May 1835, *Letterbook*, RS 9/3 (1), pp 200-203, UTA.
[68] 'Gorthy' took its name from George Mercer's property near Edinburgh in Scotland. According to JS Weeding, 'Hollow Tree Bottom' was granted to Thomas Salmon in 1817, but Salmon visited the farm only at intervals, JS Weeding, *A History of the Lower Midlands*, 3rd ed., (Launceston, 1980), pp 45, 59, 61-62.
[69] *Ibid.*
[70] John Batman sailed from Launceston for Port Phillip on 12 May 1835 and arrived on 26 May, John Batman et al, *Expedition from Van Diemen's Land to Port Phillip in 1835*, (Hobart, 1885).
[71] Swanston to Mercer, 27 August 1835, *Letterbook*, RS 9/3 (1), pp 220-223, UTA.

With David Fisher installed as overseer at 'Lovely Banks' and two of Mercer's sons and his nephew on their way to Van Diemen's Land, plus the promise of more land across Bass Strait, Swanston was considering himself the head of a major concern. He assumed authority as agent over all Mercer's properties. He approved of Fisher, writing to Mercer that Fisher managed his men well, reported on every matter relating to the estate and was highly spoken of by all his neighbours. Fisher's letters to Swanston reflect his work ethic and meticulous accounting.[72] When Fisher arrived at 'Lovely Banks' there were 2,400 sheep, 1.500 lambs and thirty-one rams. Two years later the numbers stood at 4,097 sheep, 996 lambs and fifty-two rams. As well as growing wool, part of the property's income derived from the sale of meat to the government road party based at Spring Hill, paid by the Commissariat at a rate of four-and-three-quarter-pence per pound. An interesting disclosure and sign of the times in Fisher's first inventory is the number of firearms. In the bedroom there was a double -barrel gun with case, which at a stated worth of £10-10-0 was the most valuable item in the whole house, and also a pair of pistols valued at £7. In the kitchen there were four guns for the shepherds worth £6-10-0, and in the storeroom twenty-three canisters of gunpowder worth £2-6-0.

While stationed at 'Lovely Banks', David Fisher visited Port Phillip in March 1836 to advise on the land and staffing arrangements. On return, Fisher was alarmed to find absconders from the road party at Spring Hill stealing his sheep. 'We have lost more than 200 good ewes, many others severely burnt and horrid havoc among our sheep', he alerted Swanston, 'we only beg to get free possession for what we have actually bought at a fair price'. Swanston acted immediately, asking the Colonial Secretary for the removal of the road party's huts on Mercer's land, giving as reason 'so that home and offices could be built'.[73]

Swanston fiercely asserted his role of Mercer's agent above Mercer's own appointed overseers and gave orders and pulled rank if his supremacy was threatened. An incident in January 1839 illustrates this. James Anderson, appointed in Scotland by Mercer to succeed Fisher at 'Lovely Banks', wrote to Swanston ostensibly to obtain advice about the price he should pay for wool from 'Mr G Harrisson's flock' to be shipped with his lambs' wool at the

[72] Approximately sixty letters from Fisher to Swanston detail his activities at 'Lovely Banks', Box 21/1&15, *Derwent Bank Papers*, TAHO.
[73] Fisher to Swanston, 30 July 1836, and copy of letter Swanston to Colonial Secretary, 9 August 1836, Box 32/1, *Derwent Bank Papers*, TAHO.

end of the month, but also informing Swanston that he was about to write to Mercer about the continued attacks by the road party on Mercer's sheep. He commented that Swanston had given permission for the men to stay on Mercer's estates when he could have turned them out.[74] Swanston, like dynamite, blasted the following day:

> Sir – I have received your note of yesterday sending me a sample of wool of Mr Harrison's flocks which he wishes to dispose of. If the wool is all of the same quality as the sample you send it is not worth much. In the concluding part of your note you inform me that it is your intention to write to Mr Mercer about the Road Party and see if you can be accountable for his flocks and you conclude by saying "and you [referring to Swanston] are giving Government men permission to reside on the Estate when you should have turned them out on 23rd Dec 1838 as I have letters from you to that effect" signing I am sir your most Obed Servant Jas Anderson posted to G Mercer Esq.
>
> Allow me to call your attention to this style of addressing me and to point out to you the impropriety of so acting for I can only tell you that as I am unaccustomed to be written to by any one, I will not permit you to do so with impunity. You may be overseer to Mr Mercer but you must recollect you are placed in the situation you hold as much under my control as if Mr Mercer was himself here and as I feel satisfied Mr Mercer would not permit you to write to him in the style you now addressed me, be rest assured I will not submit to it..[75]

Irrespective of the fact that Swanston had not addressed the issue of concern to Anderson − the predations on Mercer's sheep − Anderson responded politely to Swanston, saying it was not his intention to address him improperly. He explained that on leaving Scotland, Mercer had asked him particularly to write to him about the many sheep being killed by the road party and that it was his duty as 'a Servant of Mr Mercer' to give him the information, adding:

> if it be your pleasure I wish my letter to you of 24th January sent home to Mr Mercer that he may see the improper way I have addressed you and whatever Mr Mercer's decision is I am willing to abide by the result. It is grievous to me to see the best of my ewe flock killed when they have been tupped 3 weeks past.[76]

This is a strong hint that Mercer relied on the advice of his men on-the-ground, and was aware that Swanston was spreading his activities too thinly to be an ever-watchful property agent. In turn, Swanston's assumed authority over Anderson and Fisher is a strong pointer

[74] Anderson to Swanston, 24 January 1839, Box 21/11, *Derwent Bank Papers*, TAHO.
[75] Swanston to Anderson, 25 January 1839, Box 21/11, *Derwent Bank Papers*, TAHO.
[76] Anderson to Swanston, 28 January 1839, Box 21/11, *Derwent Bank Papers*, TAHO.

to how Swanston saw his business partnership with Mercer: he intended to be the colonial head of a prosperous partnership.

George Mercer's continued involvement in the Port Phillip speculations is discussed in Chapter 6. At home Mercer had his own role as agent, representing the Port Phillip Association in lobbying the British Government for lawful possession of the lands it had settled at Melbourne and Geelong.[77] Swanston's responsibility to Mercer began to diminish from around 1838 once Mercer's second son, George Duncan Mercer, and nephew, William Drummond Mercer, arrived in the colonies. George junior had recently retired from the Bengal Native Infantry and William from the 16th Lancers.[78] As well as checking on the patriarch's business, they were anxious to establish their own futures on the land. From Hobart Town, George wrote to his father that he had met Swanston and liked him 'very well'. He had not, however, been able to have any conversation with him about his father's affairs and not yet found out what share he had in the Port Phillip Association, nor what money had been advanced on his father's account towards it.[79] One wonders whether George junior ever got to the bottom of his father's business with Swanston.

Wool grower and broker

Swanston acted as wool broker, buying wool grown on the Van Diemen's Land's wide Midlands estates and consigning to firms such as Scott Bell & Co or Robert Brooks in London. Securing a wool clip from growers involved a lot of trust on their behalf because, as demonstrated by Anstey, their custom was to stay loyally with the same broker, preferably someone they knew and trusted, as long as that broker could maintain good market prices. Anstey changed allegiance from Thomas Hewitt to Swanston early in 1838 after he heard that the firm Hewitt represented, John Gore and Co, was in financial difficulty.[80] Anstey contemplated sending his wool to Stephen Adey, whom he had known in the colony before Adey returned to London, and Stephen's brother, George, but after seeking Swanston's

[77] Mercer was paid for his agency services to the Port Phillip Association, including expenses such as postage and remuneration to his clerk, Box 32/15, *Derwent Bank Papers*, TAHO.
[78] PL Brown, 'Mercer, George (1772−1853), *ADB*, Vol 2, (Melbourne, 1967), p 223.
[79] George Duncan Mercer to George Mercer, quoted in J Murphy, 'George Mercer: Two recent Acquisitions', *The LaTrobe Journal*, No 58, Spring 1966, p 6.
[80] In 1834 Gore & Co, London, was the largest importer of Australian wool with gross earnings from wool sales around £75,000. The firm lost its competitive edge in the 1840s financial crisis and by 1843 Robert Brooks, PW Flower and others finally secured the lead, Holcomb, *Early Merchant Families*, p 201.

advice, decided to send via Swanston to Scott Bell & Co in London.[81] Not wishing to cause offence or further worry to Hewitt, Anstey told Swanston that he would inform Hewitt that he had made an arrangement with Swanston for the present year's wool without saying what the arrangement was. 'You must say the same if any enquiry made, and thus people may infer, if they please, that you have bought my wool,' he wrote, ' I would not wish Gore & Co to suppose that I have preferred another London House to theirs for Gore & Co have always acted honourably towards me.' Anstey's custom would have been worth securing as his wool was always good quality and highly saleable. Even in 1841, when the English wool market was declining, he was happy with his sales. He confided to Swanton: 'I am mightily pleased with the character the London folk give of my wool, and taking into consideration the general depression, I am pleased with the prices my first shipment[i.e. first clip of the season]. Vastly agreeable it is to read the words of the wool brokers "The Anstey" is an excellent description of wool and will always sell well here".'[82]

Apart from handling wool from George Mercer's Van Diemen's Land properties, and from his own at 'Swanston' and 'Glen Ayr', Swanston's other wool clients included WHT Mitchell, James Murdoch, J Baylis and Isaac Wright. He approved many advances from the Derwent Bank to growers in Van Diemen's Land and Port Phillip, then suffered serious regret watching the wool prices fall on the British market. Swanston had received warning about the drop in the wool market. As early as April 1838 the house of Scott Bell & Co in London had advised him that trade in all branches was 'exceedingly depressed' and, although they had seen no decline in the value of wool, they were glad their hands were cleared of it because they saw no prospect of demand for raw material in the manufacturing districts.[83] By June 1844 Swanston was telling his old friend Hamilton in London that he was sorry that he had had anything to do with 'wools'.[84] However, even while writing this, Swanston was building up family sheep properties in Van Diemen's Land and Port Phillip. Sometime before 1845 he had taken possession of the property 'Glen Ayr' in the Richmond district after Major William de Gillern (1787-1857) had become insolvent following a fire that destroyed

[81] Anstey to Swanston, 5 and 8 March 1838, Box 32/10, *Derwent Bank Papers*, TAHO.
[82] Anstey to Swanston, 15 November 1841, Box 1/7, *Derwent Bank Papers*, TAHO.
[83] Scott Bell & Co to Swanston, 27 April 1838, Box 23/1, *Derwent Bank Papers*, TAHO.
[84] Swanston to Hamilton, 13 June 1844, *Letterbook*, RS 9/3 (2), pp 397-8, UTA.

his uninsured barn, stacks and wheat.[85]Swanston put the young Ebenezer Shoobridge (1820-1901) in to manage 'Glen Ayr' for him which Shoobridge did ably for several years before acquiring his own property at 'Glenora' in the Derwent Valley. In the 1840s Swanston owned a property called 'Swanston' in the valley of the Little Swanport River, inland from where the river spills on to the east coast.[86] Here his sons gained experience in wool production and crop growing.[87] Today the East Coast locality is still known as 'Swanston'. JS Weeding records that Swanston carried out a survey for a township that did not grow because the roads connecting the Midlands and East Coast were not completed.[88]

As well as dealing with Scott, Bell & Co, Swanston sent wool to the famous wool merchant and businessman Robert Brooks in London. According to Brook's biographer, Frank Broeze, Brooks had dabbled in Van Diemen's Land wools around 1832, but not again until he made use of the valuable services of young merchant TD Chapman who settled in Hobart Town in 1839.[89] Working closely with the captain of the *Parrock Hall*, Captain Goldsmith, Chapman proved that he was capable of providing full cargoes of wool and whale oil in rapid time for the voyage home to Britain. On the strength of the reliability of Chapman and Goldsmith and the ability of his London agents to have ships in Hobart ready for the homeward voyage at the beginning of the wool season, Brooks purchased the legendary 'new and remarkably fast barque' the *Rattler* of 556 tons. From 1846/47 to 1851/52 – six consecutive seasons – the *Rattler* was one of Hobart's regular wool ships and Hobart Town became Brooks' third major loading port.[90] Brooks' faith in Chapman as his agent proved valuable, but how this preference affected Swanston is not known.[91]Consignment notes from Swanston family properties in Geelong in the late 1840s show the value of wool shipments from Swanston,

[85] David Dilger, 'de Gillern, William (1787–1857)', *ADB*, Vol 1, (Melbourne, 1966), p 301.
[86] The deed of grant stipulates the property was 640 acres on the Little Swanport River, *Colonial Times*, 21 April 1840, p 2.
[87] WO Swanston to Swanston, dated only 'Sunday 9th', Box 21/14, *Derwent Bank Papers*, TAHO; RS Swanston to Swanston, undated, Box 8/4, *Derwent Bank Papers*, TAHO.
[88] Weeding, *A History of the Lower Midlands*, p 118-9.
[89] F Broeze, *Mr Brooks and the Australian Trade – Imperial Business in the Nineteenth Century*, (Melbourne, 1993), p 67 & 154.
[90] Broeze, *Mr Brooks*, pp 153-4.
[91] After rising to prominence in the anti-transportation campaign of the 1840s, TD Chapman had a distinguished career in public life and, following responsible government in 1856, he held office as treasurer and premier of Tasmania, Green, 'Chapman, Thomas Daniel', p 383. Note, Chapman's date of birth was 31 October 1814 (not 1815 as frequented quoted), confirmed in his *Statement of Service* papers in the East India Company Records, British Library; Baptism record, Parish of Biggleswade, 18 December 1814, Bedfordshire and Luton Archives & Records Service, *pers com*, by email 11 January 2012; and in the epitaph on his Memorial at Cornelian Bay Cemetery, Hobart.

Willis & Co to Robert Brooks to be high, for example £4,905-5-0 in March 1849.[92] By that date, however, Swanston's business affairs were entangled with the diminishing returns of the Derwent Bank. Robert Brooks, on the other side of the world, was unaware that the bank was about to crash, but worried by Swanston's growing credit with him. Brooks was well known for his profound preference for co-operation over confrontation and for his abundant loyalty to his friends.[93] But he had lost his patience with Swanston by the end of 1849. He reminded Swanston that he was drawing on him to a larger extent than he could remit and was fully aware his account would be overdrawn.[94] In response to the errors in Swanston's calculations, Brooks sent him a 'rough sketch' of the situation as well as the rejoinder '... I beg to say that I object to be brought under as large and continuous advance.' In the same letter, Brooks reveals the confused instructions he is receiving from Swanston, noting that the captain had said the firm of Swanston & Potts of Launceston had directed him to apply the surplus from their last year's shipments to Swanston's credit. 'I have not received any such instruction,' Brooks continued, 'those gentlemen desired me to pay over any surplus to Messrs Magniac and Jardine & Co for your account, but it is possible their letters have miscarried. However, I shall make up the Account at the end of the present month and hold the surplus should there be any instruction.' Brooks' letter arrived in Hobart Town after Swanston had left finally for California.

As noted in the following chapter, Swanston was also a stock and station agent. As well as arranging for thousands of sheep to cross Bass Strait in the great 'sheep lift' to Port Phillip between 1835 and 1837, Swanston sent about one thousand Van Diemen's Land sheep to South Australia in 1839 to be sold by George Alexander Anstey, eldest son of Thomas Anstey.[95] While dealing with sheep, Swanston's interest stopped short of stud breeding, which he left to his son-in-law, Edward Willis, and Mercer's overseer, David Fisher, to become expert at their stations at Port Phillip.

[92] Summary of wool shipments to Robert Brooks, Box 8/2, *Derwent Bank Papers*, TAHO.
[93] Broeze, *Mr Brooks,* pp 4-5.
[94] Brooks to Swanston, 11 December 1849, Box 6/6, *Derwent Bank Papers*, TAHO.
[95] G Anstey to Swanston, 14 February 1839, Box 32/13, *Derwent Bank Papers*, TAHO.

Other enterprises

As pointed out by Hartwell and Lane, commercial success was more assured for merchants with versatility, in doing many things at once.[96] This involved recognition of the variety of opportunities available, as well as the diversification of effort and capital. Swanston's father-in-law, Robert Sherson, illustrates how even in retirement the mentality for sourcing new products and new markets did not diminish amongst commercial men. Sherson (c1775-1842), a former civil servant in India who had also been engaged in trade in Madras, took shares in the Van Diemen's Land Company and closely followed the careers and business of his two sons-in-law, Swanston, and Captain Frederick Forth, in Van Diemen's Land. He lent both considerable sums of money to establish their families in the colony. Sherson arranged the education for Charles and Georgiana's two elder sons, Charles junior and Bob, and kept a grandfatherly eye on them for the years they were in London and Europe.[97] He scoured the newspapers for commercial intelligence and despatched to Swanston various products that might meet demand, ranging from tonnage of white lead and a new type of hydraulic wool press to carbonate of soda for soap making and a Wedgewood Patent Writing Apparatus – a state-of-the art device for taking two copies of letters at the same time. In sending a Pilentum carriage out for Swanston's use, he added 'If you do not like it, sell it to the best advantage'.[98] He also suggested Swanston should remit in wool, other products, or lay out his money in whatever Swanston judged best. 'I write to you on various subjects for information, and to consider with you the best that may be done for the good of our Australian Boys and Clan,' Sherson wrote tentatively in August 1839, 'perhaps you will say all is visionary and idle speculation. Should you so think, do not my Dear Swanston hesitate one moment to say so.'[99]

As mentioned earlier, insurance was another area that closely associated Swanston with the mercantile community. In 1832 he was elected Chairman of Board of Directors of the new Van Diemen's Land Life Assurance Association. Life assurance was a relatively new concept at the time and the local company constructed its rates upon the tables of the Equitable

[96] Hartwell and Lane, *Champions of Enterprise*, p 99.
[97] Sherson to Swanston, series of letters between February 1839 and May 1840, Box 22/12, *Derwent Bank Papers*, TAHO.
[98] Sherson to Swanston, 4 August 1839, 10 December 1839, 5 June 1840, Box 22/12, *Derwent Bank Papers*, TAHO.
[99] Sherson to Swanston, *Ibid.*

Assurance Society, the Alliance Assurance Company and the London Life Association.[100] With accelerating commercial enterprise in Van Diemen's Land from the 1830s, marine, fire, and life assurance companies proliferated. Like most merchants, Swanston saw that insurance gave merchants the ability to spread their personal risks, as well as the opportunity to make a profit as directors, share-holders, brokers or agents. He was one of the thirty-seven merchants who instigated the Derwent and Tamar Assurance Company Limited in October 1838.[101] Its 2,000 shares – 1,500 in Hobart and 500 in Launceston – were practically all taken up overnight. Its main business was fire and marine insurances and assurance on lives. The Derwent and Tamar Company celebrated its centenary with the distinction of being Australia's oldest insurance institution.[102] In 1850 Swanston was associated with the Australasian Colonial and General Life Assurance Annuity Co. of London through its office in Sydney.[103]

A thorn in Swanston's side for many years was his failed attempt to gain the contract for constructing a water supply for Hobart Town. The colonial government introduced legislation for the supply of fresh water to Hobart Town in April 1835 and in July 1841 called for tenders for the works. Swanston engaged engineer/architect James Blackburn to work with him and submitted a carefully-designed plan to bring water from North West Bay and Brown's River. The tender was initially accepted subject to certain modifications or conditions, but then in February 1842 the conditions were rejected, meaning that new tenders were required.[104] The delays, due to the government's dwindling coffers, were what Swanston's friend Forster called 'indeed mad provoking' and certainly incurred Swanston's wrath for many years.[105] In June 1844, he told Hamilton in London that his water company was 'done for'. 'The Government after entering into the Contract will do nothing further in the matter,' Swanston wrote, 'they have in the most barefaced manner withdrawn.'[106] While admitting that the reason the government could not revive the project was lack of

[100] *Colonial Times*, 10 July 1832, p 4. Reflecting the health perils of the age, the plague or Asiatic spasmodic cholera was not included in the risks against which the association insured.
[101] B Rait, *The Derwent and Tamar Assurance Company Limited 1838–1938*, (Hobart, 1938), pp 3-4.
[102] *Ibid*; *Advocate*, 25 October 1938, p 8.
[103] Receipt for the payment of insurance on William Dermer, dated 26 September 1850, Box 15/12, *Derwent Bank Papers,* TAHO. Presumably Swanston was an agent for the insurance company and had organised the insurance for Dermer as one of his last business actions before leaving the Australian colonies.
[104] *Hobart Town Courier*, 10 April 1835, p 2; *Courier*, 23 July 1841, p 4; *Colonial Times*, 1 February 1842, p 2.
[105] Forster to Swanston, dated only Thursday 16th, Box 25/11, *Derwent Bank Papers*, TAHO.
[106] Swanston to Hamilton, 13 June 1844, *Letterbook*, RS9/3 (2), p 364, UTA.

money, Swanston continued to chafe at the loss of opportunity, taking up the case with Lieutenant-Governor Denison, two vice-regal representatives later. After examining the merits of the case, Denison declared that Swanston had admitted that he had not done any work on the project and therefore was not eligible for compensation for any expenses and that his claim was rather 'for the withdrawal of those anticipated profits which you imagine would have resulted to you, had you been allowed to undertake the contract.' He advised Swanston that in the absence of a contract, his claim could not be considered well-founded.[107] Had Swanston and Blackburn's plan gone ahead, the work would have provided much-needed employment during the depression, as well as filling the proponents' pockets. As it was, an articulated water supply did not service Hobart until the late 1860s.

In June 1838 Swanston requested permission from Sir George Gipps in New South Wales to open coal mines at Western Port, but was told that under an existing agreement, the Australian Agricultural Company had a monopoly on coal throughout the extent of New South Wales for thirty-one years.[108] The consortium of men backing the coal-mining proposal –including Swanston, McLachlan, Thomas Learmonth, John Dobson, George Mackillop, George Cartwright, James Allport and Hugh Murray – all proprietors of sheep and cattle at Port Phillip, had argued that they were contemplating establishing a large and efficient steamer to export Port Phillip's fast-expanding produce of stock to markets in Adelaide and Van Diemen's Land, but required a guaranteed source of accessible coal to do so.[109] The proposal waned in the manner of Swanston's other plans for Port Phillip.

Various ventures Swanston dabbled in included the development of steam navigation services and a consortium to bring copper from South Australia and coal from Schoulten Island to a smelter at Rosny, on the Derwent River at Hobart Town. Bacon and Banks record that Swanston operated a commercial coal mine in Tasmania based on deposits at Southport.[110] In 1840 he formed a company with eight others, called the Van Diemen's Land Coal Company, proposing that the government provide the labour for sinking the shaft and

[107] CE Stanley (Private Secretary to Sir William Denison) to Swanston, 12 March 1847, Q 628.1 SWA, State Library of Tasmania.
[108] Sir George Gipps to Lord Glenelg, 7 June 1838, *HRA*, Series i Vol xix, (Sydney 1923), p 435.
[109] Letter from the above named merchants to Colonial Secretary of New South Wales, Mr Deas Thomson, 18 May, 1838, FP Labilliere, *Early History of the Colony of Victoria*, Vol 2, (London, 1878), np, http://gutenberg.net.au/ebooks13/1301991h.html, accessed 13 April 2016.
[110] CA Bacon and MR Banks, 'A History of Discovery, Study and Exploitation of Coal in Tasmania', *Papers and Proceedings of the Royal Society of Tasmania*, Vol 123, 1989, p 158-59.

the operation the mine. The government granted a lease for twenty-one years and in 1842 some 1,300 tons of coal were taken to Hobart Town. The coal was dirty, the quantity produced small and the mining operation soon collapsed. The coal company owed the government £4,316 for the services of convict miners and an overseer and for tools and stores. The company had a brief period of paper prosperity in 1840 when the shares rose from 10/- sterling to £10 each. However, on the collapse of the company the shareholders could not be traced and the government was forced to forfeit the sum owing. The affair became known as the 'Southport Swindle'.

The Australasian Smelting Company, of which Swanston was both a trustee and director in September 1848, intended to smelt copper ores from the rich new mines of South Australia at Rosny taking advantage of the abundancy of wood and coal in Van Diemen's Land and to ship the copper to England.[111] Some big business names in both Hobart Town and Adelaide were connected with the project.[112] Swanston progressed as far as getting bricks made for the furnaces from a type of fine clay from his own land, but the project faltered.[113] In December 1850, in a complex case before Mr Justice Horne and a jury of the Supreme Court, the builder James Alexander Thomson claimed £745 against the Derwent Bank for his work on the 'Exmouth Smelting Works' under the order of Captain Swanston.[114] The case hinged on whether Swanston was acting for the Derwent Bank, as claimed by Thomson, or on his own behalf. In summarising the applicable law, the learned judge said that if the Derwent Bank shareholders had not chosen to put a check on their manager, the world was not to suffer for it. 'If they chose to allow him to act as he pleased, they held out colors to the world that he had authority to act in the way which he did act, and they could not turn round and say that those colors were false,' Judge Horne continued.[115] The jury found for Thomson and awarded him £150 damages.

[111] *Courier*, 16 August 1848, p 2; *South Australian*, 19 September 1848, p 3.
[112] The idea was that half of the capital should be raised in Adelaide and half in Hobart Town. The company directors comprised J Dunn junior, H Hopkins, AH Maning, A Morrison, C Swanston, JT Waterhouse and G Whitcomb in Hobart Town, and J Baker, W Younghusband, AL Elder, S Stocks junior, J Hagen, J Hart and GM Waterhouse in Adelaide, *Courier*, 16 August 1848 p 2; *South Australian Register*, 30 September 1848, p 3.
[113] *South Australian*, 3 April 1849, p 2.
[114] *Colonial Times*, 20 December 1850, p 2; *Courier*, 25 December 1850, p 3.
[115] *Colonial Times,* 20 December 1850, p 2.

In February 1849 there was a report that Swanston had purchased land 'near Hobarton' on behalf of a 'company of gentlemen' following the discovery of a silver mine.[116] However, no report substantiates any significant discovery. Swanston's name was connected to another proposed mining project in June 1849, that of mining coal near Louttit Bay in Victoria, but this project did not come into fruition in time for Swanston to obtain any benefit.[117]

Ever an opportunist, in 1849 Swanston looked to the Californian gold rushes as a means of recouping his fortune. His final venture was following his second son, Bob, to California in 1850. The consequences of this are discussed in Chapter 8.

[116] James Scott to Thomas Scott, 18 February 1849, *The Scott Letters – VDL & Scotland 1836–1855*, transcribed by DJL Archer, (Launceston, 2009), p 290, *Launceston Examiner*, 17 February 1849, p 5. The newspaper reported 'on good authority' that an ore of lead abounding in silver had been discovered on the Knocklofty estate and that a 'spirited colonist' had purchased the adjoining property, 'lately belonging to Mr Proctor' for four thousand pounds.
[117] *Argus*, 25 June 1849, p 2.

CHAPTER 6: IRAMOO AND SWANSTON'S LOST SHEEP

> The field of this Colony is too limited – the best Sheep lands, I may say, are already occupied and that which is left such as it is can only be obtained at a price I think far above its value, comparing them with the fine *runs* of Australia which can be obtained for almost nothing.[1]

The major thoroughfare of the capital of Melbourne, Swanston Street, 'the city's civic spine, main parade route and symbolic heart', is named after Captain Charles Swanston.[2] He was a central figure in the white settlement of Victoria. And yet, as noted by historian AGL Shaw, little is known today of Swanston – or his role in the founding of the great metropolis.[3] In the plethora of histories written of Melbourne's founding, mention of Swanston is sparse.[4] He is usually listed as the banker for the Geelong and Dutigalla Association (subsequently known as the Port Phillip Association) that sponsored John Batman's exploratory mission and 'treaty' with Aboriginal land owners in June 1835. More recently, James Boyce has acknowledged that as 'lead financier', Swanston's role was as important as Batman's on-the-ground action.[5]

This chapter reveals that as well as financier, Swanston spear-headed the association's campaign for legal title to the 'new country' across Bass Strait. It depicts the mindset of the venturers prepared to take such risks in assuming possession, Swanston's role in gathering prime sheep from Van Diemen's Land wool kings to found the flocks of the new 'establishments', and his instigation of the Derwent Company to make the best of Governor Richard Bourke's firm dictums and restraints on settlement. The recounted experiences of Swanston's shepherds and work teams as they thrust out into Aboriginal lands illustrate a

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[1] Charles Swanston to George Mercer, 6 June 1835, *Letterbook*, RS 9/3 (1), p 198, University of Tasmania Archives (hereafter UTA). Emphasis in original.
[2] Melbourne City Council's description of Swanston Street, http://www.melbourne.vic.gov.au/AboutMelbourne/History/Pages/Streetsandroads.aspx, accessed 5 February 2015.
[3] AGL Shaw, *A History of the Port Phillip District Victoria Before Separation*, (Melbourne, 1966), p 41.
[4] J Bonwick, *John Batman the Founder of Victoria*, (Melbourne, 1867); A Sutherland, *Victoria and its Metropolis,* (Melbourne, 1888); HG Turner, *A History of the Colony of Victoria*, (Melbourne, 1904); M Kiddle, *Men of Yesterday – A Social History of the Western District of Victoria 1834–1890*, (Melbourne, 1961); CP Billot, *John Batman: the Story of John Batman and the Founding of Melbourne,* (Melbourne, 1979); A Campbell, *John Batman and the Aborigines*, (Melbourne, 1987); T Flannery, *The Birth of Melbourne*, (Melbourne, 2002); B Attwood and H Doyle*, Possession: Batman's Treaty and the Matter of History*, (Melbourne, 2009); and J Boyce, 1835: *The Founding of Melbourne & the Conquest of Australia*, (Melbourne, 2013).
[5] Boyce, *1835*, p 53.

bleak chapter in Australia's settlement history. No evidence of Swanston's own reaction to the frontier conflict has been found.

Land-grabbers or Empire Builders?

Melbourne owns the distinction of being Australia's only capital city initiated by private speculation from within the Australian colonies. The settlement was not planned by the authorities in London, but haphazardly by a private group of Van Diemen's Land capitalists. Land acquisition was their motive and their intent was to take it for almost nothing. Undeniably, the treaty that their agent John Batman sought with the Aboriginal owners was a tactic to gain official imprimatur.[6] Perhaps for some, such as surveyor JH Wedge, it was a personal response to the carnage they had witnessed during the 'Black War' in Van Diemen's Land.[7] They would have been aware that Arthur considered that a treaty might have prevented the deplorable bloodshed in Van Diemen's Land and they were astute enough to realise that the political climate demanded such consideration.[8] While the instigators of the group, namely Batman, Wedge, lawyer JT Gellibrand and Police Magistrate James Simpson, had been talking about exploring Port Phillip for some years, their schemes were accelerated by news of the Henty brothers' establishment at Portland Bay and the success of 'squatting' (assuming possession) beyond the limits of location in New South Wales.[9]

Melbourne's beginning therefore posed unprecedented administrative challenges to the Secretary of State for War and the Colonies, Lord Glenelg, and to Bourke in New South Wales. It also affected the ambitions of Arthur in Van Diemen's Land and heightened competition between the two colonial governors.[10]

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[6] PL Brown, 'Batman, John (1801−1839)', *Australian Dictionary of Biography*, (hereafter *ADB*), Vol 1, (Melbourne, 1966), p 67.

[7] GH Stancombe, 'Wedge, John Helder (1793−1872)', *ADB*, Vol 2, (Melbourne 1967), p 575.

[8] Arthur's thoughts about the desirability of treaties are discussed by both Boyce *1835*, pp 20-21, and Attwood and Doyle, *Possession*, pp 28-19.

[9] Gellibrand, at 'Derwent Park', New Town, was a neighbour of Swanston's. PC James, 'Gellibrand, Joseph Tice (1792−1837)', *ADB*, Vol 1, (Melbourne, 1966), p 437; CA McCallum, 'Simpson, James (1792−1857)', *ADB*, Vol 2, (Melbourne, 1967), p 447. The portion of the Australian continent that they had their eyes on was then part of the Colony of New South Wales.

[10] Boyce records that Arthur had been looking across Bass Strait for a couple of years and in May 1834 had suggested to the Home Office that he could assume personal early command of a new settlement and establish peaceful relations with the Aborigines, *Boyce*, 1835, p 20.

In the present century, the move is referred to as a 'land grab' and the grabbers portrayed as opportunists and exploiters. The venturers' love of exploration and their self-perception as daring discoverers on the edge of the empire are seemingly forgotten. A blend of both would be likely. Early Australian historians emphasise that the spirit of enterprise was a much admired attribute in the mid-nineteenth century. Hence members of such organisations as the Port Phillip Association and the South Australian Company would have been thought of by many in their day as 'Empire Builders'. That they pre-empted government sanction even enhanced their status. George Sutherland's 1898 history of the colonisation of South Australia explains how some years before and after Queen Victoria's accession in June, 1837 'enthusiasts in colonisation' were looked upon as 'nuisances and disturbers of the public peace', but once they had gone ahead with their grand plans, impatient to wait for government sanction, their spirit of enterprise was admired, and by the end of the century they were seen as 'Empire Builders.'[11] Sutherland declares:

> … in the great work of colonising those vast tracts of the earth's surface over which it is the high destiny of the British nation to hold sway, there is a most useful place for the investment of private capital, directed by patriotic and far-seeing men of business, men of the stamp indicated by [Edmund] Burke when he declared, in the course of his great speech on the India Bill, that 'there were some merchants who acted in the spirit of statesmen.'[12]

Early twentieth century historians, Ralph Vincent Billis and Alfred Stephen Kenyon, stress that the grazing pioneers were not only explorers and 'the advanced guard of civilisation', but the producers of primary wealth.[13] The obstruction and prejudice these pioneers encountered in seeking lawful possession of the land stemmed from them being 'outside the official scheme of things'.[14]

For Swanston, the opportunity presenting across Bass Strait was a commercial imperative. As a banker he had money to invest on behalf of his clients, in particular the Scottish entrepreneur George Mercer. The best sheep lands in Van Diemen's Land had already been allocated and those coming on the market were expensive. The Henty family had set a precedent in forming an establishment at Portland Bay, on the 'opposite coast', in October

[11] G Sutherland*, The South Australian Company – A Study in Colonisation*, (London, 1898), p 238.
[12] *Ibid*.
[13] RV Billis and AS Kenyon, *Pastures new: an account of the pastoral occupation of Port Phillip*, (Melbourne, 1930), p 1.
[14] *Ibid.*

1834 based on grazing as well as whaling, and was confident of gaining the imprimatur of the British authorities.[15] Opportunity knocked and, as in any major commercial venture, time was critical.

On the very day that Batman was inking the parchment with the Aboriginal elders at Port Phillip – 6 June 1835 – Swanston was writing to Mercer in Edinburgh and pondering the emerging opportunities across Bass Strait. He reiterated the view of many colonists that resale price of good sheep land already taken was too high for most to contemplate. He told Mercer that their mutual friend, George McKillop, had decided to take possession of a tract of land in New South Wales and become a *squatter*.[16]

Following Batman's return to Launceston about 12 June 1835, the syndicate took the title 'the Geelong and Dutigalla Association' after the Aboriginal names of the places covered by the 'treaty'. 'Iramoo' was recorded as the Aboriginal name for Port Phillip. Batman's reports of the extensive grasslands and promise of easy ownership stirred avid interest. The syndicate set out how it would operate and quickly expanded to include fifteen members.[17] Mercer was added to the syndicate by Swanston.[18] The syndicate's motives were perhaps best captured by Charles Sham Henty in a note to his banking colleague, Stephen Adey:

> … I hear Capt Swanston has joined (what I call) The Joint Stock Squatting Company. Is this true? We were laughed at, and ridiculed, when we commenced sending stock to Portland Bay and we could not however have been so very foolish in endeavouring

[15] As mentioned in Chapter 2, Charles Sham Henty of the Cornwall Bank announced to his friend Stephen Adey at the Derwent Bank that his brother Edward had sailed for Portland Bay with a cargo of livestock and five hands, adding 'as they will not give us Land here, we intend to take some at Portland Bay'. Henty to Adey, 16 October 1834, Box 20/8, *Derwent Bank Papers*, Tasmanian Archive and Heritage Office, (hereafter TAHO).

[16] Swanston to Mercer, 6 June 1835*, Letterbook* RS 9/3 (1). Emphasis is Swanston's.

[17] Members signed an indenture that, among other conditions, each would send five hundred good breeding ewes to Port Phillip within six months and another five hundred by June 1836.The agreement stipulated that the management of the Aboriginals would be vested in Batman, and that all expenses of surveying and procuring of grant would be borne by members in the proportion of their shares, *Indenture dated 29 June 1835*, MS13130/2, State Library of Victoria. These members included James Simpson, Commissioner of the Land Board and a police magistrate; John Sinclair, engineer and Superintendent of Convicts in Launceston; Anthony Cotterell, a chief constable; William George Gardner Sams, Deputy Sheriff of Launceston; Henry Arthur, customs officer and nephew of the lieutenant-governor; Michael Connelly, a merchant who had previously run an agency of the Derwent Bank in Launceston; Thomas Bannister, Sheriff of Hobart who had been private secretary to Arthur and was the brother of Saxe Bannister, a former Attorney-General of New South Wales; John Collicott, Postmaster-General; and prominent merchant shopkeepers brothers John and William Robertson.

[18] Mercer was not only a partner in the speculation, but an agent for the association in Britain. He was paid for his services up until the end of December 1839, including for expenses such as postage and remuneration to his clerk, Box 32/15, *Derwent Bank Papers*, TAHO.

> to continue the Staple commodities of The Colony, Wool and Oil, since so many are following our example.[19]

With the Henty establishment at Portland Bay proceeding without administrative interference, the new bunch of speculators had no reason to think their bold plan would, or could, go wrong. In calculating the risk, at the back of Swanston's mind was the model of the chartered Van Diemen's Land Company, already operating in north-western Van Diemen's Land, and the South Australian Company, then forming in London. In lobbying the British Government on behalf of the association for title to the Treaty lands, Mercer suggested the Van Diemen's Land Company was 'an archetype to found upon' in considering the association's claims.[20] From Swanston's perspective, the ambitions of the Port Phillip Association were little different from the Van Diemen's Land Company's. The shareholders of Van Diemen's Land Company were members of the British establishment. The privileges granted to their company included title to 360,000 acres of land, the appointment of the company's irascible agent, Edward Curr, to Van Diemen's Land's first Legislative Council, an influx of shareholders' money on the basis of very marginal returns, plus the company's ability to institute a tenant scheme to provide the company with rents and a market for its stud stock.[21] If this could be done by London businessmen, what was the problem in a group of colonial Britons doing a similar thing at 'unoccupied' Port Phillip, with the added intention of conciliating with the Aboriginal inhabitants, and all at their own expense?

John Wedge had first-hand experience of the Van Diemen's Land Company. In 1828 he had been in the far north surveying the company's lands of and had witnessed the ease with which the company had acquired land.[22] A seasoned explorer, familiar with the ways of Aboriginal people, he would have been aware of the conflict between the shepherds and the Aboriginals and of the Cape Grim massacre of February 1828.[23] Wedge's compassion for Aboriginal people was demonstrated by the way he took into his protection a young half-

[19] Henty to Adey, 6 July 1835, Box 21/9, *Derwent Bank Papers,* TAHO.
[20] George Mercer to Lord Glenelg, 16 March 1836, *Historical Records of Australia*, (hereafter *HRA*) Series i, Vol xviii, (Sydney, 1923), p 384.
[21] L Robson, *A History of Tasma*nia, Vol 1, (Melbourne, 1983), pp 187-192; Anon, 'Curr, Edward (1798–1850)', *ADB*, Vol 1, (Melbourne, 1966), p 269.
[22] Stancombe, 'Wedge, John Helder (1793–1872)', p 575.
[23] Details of the massacre are still contested. Tasmanian historian Ian McFarlane contends that as many as forty-three Aboriginal men, women and children could have been killed in the summer of 1827-28. I McFarlane, 'NJB Plomley's Contribution to North-West Tasmanian Regional History', *Reading Robinson: Companion Essays to the Friendly Mission*, ed. A Johnston and M Rolls, (Hobart, 2008), p 139.

caste girl, daughter of the sealer Dobson, to rescue her from the 'dreadful state of depravity prevailing amongst that class of people (the sealers)'.[24] Wedge, a friend of John Batman during Batman's involvement in the 'Black Line', was well aware of the dire social consequences of dispossession.

Within the Port Phillip Association, Swanston took on the quasi-administrative role to such a degree that it could be argued that he was colluding with Arthur. His central role is confirmed by a short letter received from the Colonial Secretary John Montagu:

> My dear Swanston I send you the Despatch related to the "association" together with a memorandum on the subject – the memorandum as you will perceive contains all the points of the case and is intended for the information of the agent, who can bring its contents under Lord Glenelg's notice in any form that he pleases – everything must depend now upon his exertions – if you will make whatever alterations you may think expedient in either of the documents, and then send all the papers to me, I will have them copied for transmission to England.[25]

As member of the Legislative Council, Swanston was frequently called upon to cast his eye over official papers, but on this occasion Montagu was pursuing the interests of the entrepreneurs – and arguably the administration. Montagu was complicit in Swanston's plan to use Mercer as agent to lobby the Home Government.

One biographer of Batman, PL Brown, makes the point that the efforts of the syndicate were 'neither abreast of London policy, nor evocative of Sydney sympathy'.[26] This raises the interesting question of sanction. Good land at Port Phillip was there for the taking: it was going to be snapped up by some urging entrepreneur. Further north squatters were moving into the inland plains of New South Wales and no legal means existed to prevent them. How was a colonist to take new land legally when there was a void in policy? Batman and the other members of the syndicate were prepared to try their luck. Arthur lacked power to give authority, so he did the next best thing and let the seizure happen.

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[24] NJB Plomley, ed., *Friendly Mission: The Tasmanian Journals and Papers of George Augustus Robinson 1829–1834*, 2nd ed. (Launceston, 2008), p 479. When Wedge and his sister found the child unruly, Wedge made arrangements for her to be returned to her mother who was, by then, living on Flinders Island as a result of GA Robinson's mission.

[25] Montagu to Swanston, 1 October 1835, Box 25/3, *Derwent Bank Papers*, TAHO.

[26] Brown, 'Batman, John (1801–1839)'. Noteworthy also is Brown's observation that Swanston and fellow association member, James Simpson, thought Batman 'a useful pawn' while others like John Wedge and Joseph Tice Gellibrand discovered his unusual quality.

Swanston clearly had no qualms about the validity of Batman's treaty with the Aborigines and asserted that six hundred thousand acres had been 'formally sold and legally transferred' to the association by the chiefs of the native tribes to whom it belonged.[27] However, some opinion leaders in the colonies, as well as authorities in London, had reservations. One commentator who quickly despatched letters to the newspapers to point out the treaty's illogicality was Danish-born adventurer, Jorgen Jorgenson, then living in Oatlands, Van Diemen's Land, a man of notoriety and curious intellect.[28] Jorgenson's cogent comments have been overlooked in history, but would have been read by the leaders in both New South Wales and Van Diemen's Land. His arguments would have alerted both jurisdictions to the flaws in Batman's negotiations and of the illegality of land occupation outside the bailiwick of the Crown. Jorgenson's views were published in the *Colonial Times* in July 1835 – a month after Batman's unusual exertions –and in the *Sydney Gazette and New South Wales Advertiser* the following September.[29]

Jorgenson identified the complexities of Batman's treaty, including its recognition of Aboriginal ownership of land. He explained that the limits of the British possessions had been fixed by an Act of Parliament, from the 10th to the 44th degree of south latitude. Port Phillip had been taken possession of in 1801 by Lieutenant Murray of the Royal Navy in the name of George III and afterwards a settlement was formed there under the command of a British officer sent from Sydney. Jorgenson pointed out that an insurmountable obstacle was that Batman's claim rested on a compact with a chief, who did not know before he was told by Batman that he held full and sovereign power over the country or a certain portion of the country which gave him birth and therefore possessed a power to dispose of and sell

[27] Swanston to Gipps, 30 July 1838, *HRA*, Series i, Vol xx, (Sydney 1924), pp 98-99.
[28] Danish-born Jorgenson visited Van Diemen's Land as a free man on its initial British settlement and was transported for life in 1828. In-between times, in June 1809 he arrested the Danish governor in Iceland, placed himself at the head of government and proclaimed Iceland independent of Denmark. After eleven years of gambling, drinking and debauchery in England, including a period as an English spy in Europe, he was arrested in 1820 and sentenced. In Van Diemen's Land, he lived mostly 'by his pen, precariously', including a period as clerk to police magistrate Anstey, J Dally, 'Jorgenson, Jorgen (1780−1841)', *ADB,* Vol 2, (Melbourne, 1967), p 26. That Jorgenson was the author becomes clear in an editorial note in the *Sydney Gazette* which announced that Batman's intent of colonising Port Phillip had called forth 'a very able letter' on the subject. The note stated: 'We rather fancy it is from the pen of Mr Jorgenson,' *Sydney Gazette* of 8 September 1835, p 2.
[29] Letter-to-the-Editor signed 'J.J.', published in two parts, *Colonial Times*, 21 July 1835, p 5 and 28 July 1835, p 6. Letter-to-the-Editor signed 'J.J.', *Sydney Gazette and New South Wales Advertiser*, 12 September 1835, p 3.

that soil to whomsoever he pleased. He disputed the notion that Batman's treaty was akin to William Penn's legendary treaty with the American Indians.[30] Jorgenson stated:

> Another argument is that the state of Pennsylvania was purchased by the Quakers from the American Indians. The truth is, the Charter had been previously granted, and the Quakers doubting the justice of possessing themselves of a country in prejudice to the Aborigines, offered a certain price for the land already granted by the Crown.[31]

Jorgenson warned that the whole scheme was impracticable and would be injurious to the best interests of the British people and colonists. He cautioned speculators against being drawn into a share. Such a place, exempt from the control of government, he claimed, would be 'a receptacle for runaway convicts and all other desperate characters, who would flock to Port Phillip, endangering the peace and property of the Colonists, becoming Buccaneers and lawless Banditti and forming themselves into bands of robbers on land, without means of restraining their depredations'.[32]

The sage Anstey shared the unease of an unauthorised action, writing to Swanston in September 1835:

> I am resolved to have a finger in that pie, when it is legitimately taken up, but I cannot feel easy as one of a gang of ruthless and lawless banditti. Tell me as much as you can, without breach of faith to others, of what is intended. It shall be with me an inviolable secret. The Spec will be a decidedly safe one when legally commenced. I will go across the water myself and take one of my Boys with me, to look around when the proper time comes – and, if I like it, I will permanently fix one or two of my Sons there with my Sheep. But my title in Fee Simple must be derived from a White Chief. The Batman taboo in "tripartite" will never suit me!! … So you may count me in, as I told you in town, for a share in the profit or loss of your second project. You can let me into the minutiae of it when to you it may seem good.[33]

While some hesitated, many rushed in. Only an interval of nine weeks separated Batman's landing at Port Phillip from the arrival of the ship *Enterprise* funded by Launceston

[30] The *Cornwall Chronicle* dubbed Batman 'The Tasmanian Penn' when reporting that he had purchased 600,000 acres from a tribe of natives, *Cornwall Chronicle*, 13 June, 1835, p 2.
[31] Letter-to-the-Editor signed 'J.J.', *Colonial Times*, 28 July 1835, p 6.
[32] Jorgenson well knew about runaway convicts and other desperate characters from his experience working in the field police and as assistant clerk., *The Convict King: being the life and adventures of Jorgen Jorgenson*, retold by James Francis Hogan, (London, 1891), pp 176-197. Jorgenson and Anstey shared a mutual respect.
[33] Anstey to Swanston, 28 September 1835, Box 32/9, *Derwent Bank Papers*, TAHO.

adventurer, John Fawkner.[34] Thereafter the floodgates opened to squatters and labourers trying their luck in the enticing new landscape. The scramble caused some huge casualties on the frontier – the loss of fortunes, reputations, sheep, Aboriginal and white lives and above all, the dispossession of an indigenous people. The huge tragic carnage of Aboriginal occupants is an inescapable fact of Victoria's history. This was the fresh field upon which Swanston sought his future.

Swanston as Strategist

The combination of his tactical experience in the army of the East India Company and his economic drive uniquely equipped Swanston to take the role of major strategist in the venture. He was the conduit between Arthur and the speculators, the financier and investor, and he briefed Mercer in Edinburgh about the ever-evolving case to put to the Home Government. After Gellibrand was murdered at Port Phillip in late February 1837, Batman died in Melbourne in May 1839 and Wedge was away on a visit to England between 1838 and 1843, Swanston carried the bulk of the intellectual and administrative responsibility for the Port Phillip Association. His workload coping with the multitude of issues, combined with Legislative Council and Derwent Bank duties, was enormous.

Batman reported in writing to Arthur about his expedition on 25 June 1835, attaching a copy of the deeds 'signed' by the Aboriginal chiefs. As early historians have noted, it is plausible that Swanston, Gellibrand or Wedge, or all three –all adept with a pen – took charge of official communication after Batman's return to Launceston.[35] Batman says the expedition was undertaken by him at the expense and in conjunction with several gentlemen, inhabitants of Van Diemen's Land, 'for the purpose of forming an extensive Pastoral Establishment, and combining therewith the civilisation of the Native Tribes who are living

[34] H Anderson, 'Fawkner, John Pascoe (1792–1869', *ADB,* Vol 1, (Melbourne, 1966), p 368. Anderson explains the sudden disembarkation of Fawkner from the *Enterprise* at George Town at the beginning of its voyage to Port Phillip not to sea-sickness, as claimed in most other histories, but to the fact Fawkner had to return to Launceston urgently to honour a legal bond which he did not want fellow expeditioners to know about.

[35] Historians Alexander Sutherland and HG Turner both observe that Batman's report of his discoveries to Arthur bore evidence of a more polished style than Batman's own journal which was characterised by a poor hand and clumsy orthography. Sutherland notes that the map did not tally with Batman's diary, nor did some dates, and 'a little astute colouring' had been added. Turner, *A History of the Colony*, p 102; Sutherland, *Victoria and its Metropolis*, p 103.

in that part of the country'.[36] A copy of Batman's report was forwarded by the Colonial Secretary to Bourke, on 3 July 1835.

Two days after Batman reported to Arthur, members of the new association despatched a letter to Lord Glenelg, covering Batman's report. Most politely, but quite audaciously, they asserted that the tract of country was beyond the jurisdiction of New South Wales; therefore the men might have contented themselves with the treaty with the Aboriginal Tribes and taken possession of the land without any official notice to either the British or Colonial governments, but they wished to communicate the happy results.[37] This presumption, as well as its tone, must have rankled, especially as it expressed confidence that on settlers having obtained title upon equitable principles from 'the owners of the soil', the Crown would relinquish any right to the land in question.[38]

Full of optimism, in July 1835 the association sent Wedge to Port Phillip to survey the treaty lands and to advise on how to parcel it out into 'undivided seventeenths'.[39] Wedge sailed on the *Rebecca* in the company of John Batman's brother, Henry, and Henry's family to Indented Head, a headland on the western side of Iramoo, where John Batman had left a small contingent of men. Meantime, members of the association began putting into effect their initial agreement that each would, within a year, send over to Port Phillip a thousand good sheep.[40]

Bourke's proclamation of 26 August 1835, declaring the syndicate's claim to land at Port Phillip void and 'of no effect against the rights of the Crown' and that all persons found in the lands without license or authority would be considered trespassers, was a set-back to the undertaking, but probably not much of a surprise.[41] The following day, before the proclamation reached Hobart Town, Swanston outlined to Mercer arrangements to send

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[36] Batman to Arthur, Report enclosing Deeds of Settlement, 25 June 1835, reproduced in Billot, *The Story of John Batman*, pp 110-118.
[37] The other signatories being JH Wedge, John Sinclair, Anthony Cotterell, WG Sams, Henry Arthur, Michael Connolly, JT Gellibrand, John Batman, Thomas Bannister, John Collicott, J & W Robertson. Joint letter to Lord Glenelg, Hobart Town, 27 June 1835, transcript of original, National Museum of Australia, https://www.google.com.au/?gws_rd=ssl#q=joint+letter+to+lord+glenelg, accessed 2 January 2015.
[38] *Ibid.*
[39] There was one share for each of the fifteen association members, one for Batman's friend, J Solomon of Launceston, and one put at the disposal of George Mercer to enhance his lobbying of the Home Government.
[40] Turner, *A History of the Colony*, pp 131-132.
[41] Sir Richard Bourke, *Proclamation,* dated 26 August 1835, *Government Gazette* 2 September 1835, quoted in *Australian*, 8 September 1835, p 3.

ships, men and sheep to Port Phillip. He declared that the speculation would be a fortune for his children 'even should we only be allowed to keep quiet possession of the country'.[42] His letter reveals what a castle in the air the speculators were building. The last section reads:

> You will perceive by the report now forwarded of Mr Wedge who is at Port Philip … that the Country is everything Mr Batman expected it to be. The account of Buckley is most curious. [43] To him Col Arthur has sent a free pardon so that now with his aid we shall have most complete control over all the Natives – & will through his information be enabled to take possession of the finest tracts. He has stated he will not leave our treaty. He is the chief of a tribe & possesses the most complete control over his people. We have engaged a medical man who is also a catechist.[44]
> We at present feed all the tribes daily, but on Mr Batman's return they are only to be fed every full moon. Clothes and presents of all kinds have been sent over to be distributed to them. No means will be left untried to conciliate and keep them on good terms. Buckley will be our Main Spring.[45]

These plans, particularly the one to send a catechist, provoked Anstey to write that if the Home Government would ratify the grants of the 'Lairds of Dutiggalar ' a mine of wealth would open to sundry of the island colony:

> I cannot but admire Batman's policy in offering to maintain "a Catechist to teach the Blacks, and to confirm the White in the pure Evangelical Doctrines of the Church of England"! Batman understands right well that this is the age of Cant and Humbug, − and that if the Pharisees of old were now to awake from their long sleep, they would have cause to know that their time is come again!! − Batman is evidently a politic chap![46]

Anstey also passed on that John Dunmore Lang of Sydney, who had been at Anstey's house three weeks earlier, had told him that Bourke had written home most pressingly for

[42] Swanston to Mercer, 27 August 1835, *Letterbook*, RS 9/1 (3), pp 220-223, UTA.
[43] William Buckley was the white convict who had lived with Aboriginal people after escaping from Lieutenant-Governor Collins' temporary camp at Port Phillip thirty-two years earlier and who had recently appeared at Batman's camp at Indented Head. MJ Tipping, 'Buckley, William 1780−1856)', *ADB*, Vol 1, (Melbourne, 1966), p 174.
[44] The medical man and catechist was Dr Alexander Thomson who left Van Diemen's Land on 23 September 1835 in the *Norval* in company with John Fawkner's schooner *Enterprise* carrying passengers, stores and livestock to Port Phillip, *Launceston Advertiser*, 24 September 1835, p 3.
[45] Swanston to Mercer, 27 August 1835, *Letterbook*, RS 9/1 (3), pp 220-223, UTA.
[46] Anstey to Swanston, 29 November 1835, Box 32/9, *Derwent Bank Papers*, TAHO.

authority to take possession of Portland Bay, Port Phillip, Monaroo Downs &c, &c, &c, and to sell the land as a Fief of the Crown under the New South Wales regulations.[47]

Lost Flocks and Distraught Shepherds

Charles Swanston suffered sheer bad luck at several junctures in his life, and nothing illustrates this more clearly than the saga of the introduction of his sheep to Port Phillip.

Because of the time lapse in mail between Edinburgh and Hobart Town, by November 1835 Swanston had yet to receive Mercer's decision about investing in Port Phillip, but had assumed an affirmative response and was conducting his and Mercer's business 'as a joint concern as the most convenient and cheapest measure of arranging the affairs'.[48] In anticipation of Wedge designating premier land for him, Swanston began sourcing livestock to send over and engaged a young gentleman, BJ Fergusson, to take charge of 'the establishment' for six years. Fergusson had been supervising sheep in New South Wales and came on the recommendation of Swanston's business associates Thomas Learmonth and George McKillop.[49] While Swanston had originally tempted Fergusson with the offer of a loan and a joint share in the concern (to the extent of 500 sheep), Fergusson, wisely as things turned out, plumped for a salary of £100 and all expenses paid for the first year. Under Fergusson, Swanston engaged Robert Mudie – a personable young Scot who carried letters of recommendation from Mercer. Swanston gave Mudie an interest in five hundred sheep.[50]

Soon after his appointment, Fergusson recommended that the party should proceed to Port Phillip 'at an early date to be sure of possessing a fine piece of grazing land and beginning the buildings on it', before returning to Van Diemen's Land for the sheep.[51] By this time Mercer's overseer, David Fisher, had begun gathering prime livestock – at least 2,500 ewes (2,000 at £1 per head and 500 at 25/-) and sixty pure Saxon rams at £3 per head, as well as

[47] *Ibid.*
[48] Swanston to Mercer, 27 August 1835, *Letterbook,* RS 9/1 (3), pp 220-223, UTA.
[49] *Ibid.*
[50] *Ibid.* That Mudie was indeed a gentleman is indicated by the personal red wax seal bearing his initials 'RBM', his ease in corresponding with Swanston, and David Fisher lamenting nearly two decades later of his 'good friend Robert Mudie, Esq.' Fisher to LaTrobe, 21 September 1853, in *Letters from Victorian Pioneers*, ed. TF Bride, (Melbourne, 1898), pp 11-12.
[51] Fergusson to Swanston, from 'Lovely Banks', 19 September 1835, Box 32/7, Derwent Bank Papers, TAHO.

eight working bullocks, six cows and a couple of horses.[52] These comprised an early cargo of the 'great sheep lift' across Bass Strait.

The *Norval,* chartered initially for three months by the association at a cost of £250 per month from Launceston businessman Henry Reed, made many trips.[53] Ian Parsonson records the *Norval* could carry 1,200 sheep and once made the round trip between George Town and Port Phillip in five days.[54] Swanston, Learmonth, Mercer, Batman and Gellibrand took shares in the new 100-ton schooner *Adelaide*, expressly fitted to carry sheep. Altogether about twenty sailing vessels were engaged to ferry animals, materials and people and 'the straits were white with the sails of the ferrying ships.'[55] By November 1836, a census listed 41,332 sheep at Port Phillip and by September 1838, this number had risen to 310,946. From 1835 to 1839 an estimated 200,000 ewes were shipped from Van Diemen's Land out of a total sheep population on the island at the time of about one million.[56]

Many letters from Fergusson and Mudie to Swanston convey their sense of excitement in inspecting and selecting sheep for Swanston from some of the colony's finest studs, and driving them to George Town for transport to Port Phillip.[57] The two young men knew their animal husbandry. Fergusson, writing after inspecting Mr O'Connor's ewes, noted 'the whole of the ewes are in poor condition, and *all* more or less scabby, but it appears that *all* the flocks in the Island are more or less diseased'.[58] His spirits soared two weeks later and moved him to congratulate Swanston on the sheep he had just purchased from Mr Cox at 'Clarendon': '… there are no finer sheep to be had on the island', he enthused: 'They are a beautiful lot of sheep and I shall take great pleasure and pride in turning them to the best account.'[59] Fergusson also sought advice on how Swanston wanted his sheep branded,

[52] Swanston to Mercer, 29 August 1835, *Letterbook*, RS 9/3 (1), UTA, pp 220-223.
[53] Swanston to Mercer, 30 October 1835, *Letterbook*, RS 9/3 (1), UTA, p 242. Henry Reed had bought the barque in 1833 from Lieutenant MC Friend of George Town, Fysh, *Henry Reed ….*, p 27. A later letter from Batman to Swanston introduced another name to the group of speculators – that of J Solomon of Launceston who chartered the *Norval* in partnership with Connelly, Batman and Swanston. Batman to Swanston, 7 February 1838, Box 32/15, *Derwent Bank Papers*, TAHO.
[54] I Parsonson, *The Australian Ark: A History of Domesticated Animals in Australia*, (Melbourne, 1998), pp 70-71.
[55] H Fysh, *Henry Reed Van Diemen's Land Pioneer by his grandson Hudson Fysh,* Hobart, 1973, p 62.
[56] Parsonson, *The Australian Ark,* pp 70-71.
[57] These letters are scattered through the very large volume of papers in Box 32, *Derwent Bank Papers*.
[58] Fergusson to Swanston, 17 September 1835, Box 32/7, *Derwent Bank Papers*, TAHO. Emphasis in original.
[59] Fergusson to Swanston, 20 September 1835, Box 32/7, *Derwent Bank Papers*, TAHO.

suggesting 'a nose mark is far the safest' and recommending the mark should be a capital 'C' with a sideways 'S' through it.

In early October, Fergusson and Mudie visited George Town to make arrangements for shipping the flocks to Port Phillip. They procured an allotment from local publican, George Thomas Wilson, for a folding pen, designated a nearby hut for the shepherds, and arranged with Magistrate Matthew Friend for the flocks to graze on government land.[60] Mudie also inspected the barque *Norval*, reporting that the vessel was 'remarkably sweet and clean and I do not think that a better could have been obtained for the purpose'.[61]

The *Norval* set sail for Port Phillip on 21 October with John Batman and what Swanston called his and Mercer's 'advanced guard'. This consisted of 'Mr Fergusson, seven servants, eight working Bullocks, six Cows, one Horse, Implements of husbandry, materials for erecting Huts, Hurdles for Sheep, tents and provisions and all other supplies'.[62] Five hundred sheep were also aboard, presumably belonging to Batman. Fergusson reported on 14 November that the sheep had been landed on the eastern branch of the estuary 'southward of the Freshwater River' and that the cattle were landed by Faulkner's schooner, the *Enterprise*, on the western bank. All the goods were landed and everything was proceeding 'well and pleasantly'. Fergusson's delight on encountering his new habitat is conveyed in his description of the 'capabilities' of Port Phillip:

> The soil as far as I have traversed it, is excellent, and the herbage most luxuriant in every direction down to the very Heads. The hills are clothed in verdure to their very summits. I never saw anything in NS Wales to equal this pasture in richness and abundance, and am ….confirmed in my anticipation of a most abundant increase and in improvement in the Stock. The much lauded "Monaroo Plains" are inferior in the comparison with this luxuriant soil.[63]

Meantime, back in Van Diemen's Land, interest in the new lands was reaching fever pitch, based on misinformation as well as fact. Charles Henty informed Adey that his brother and

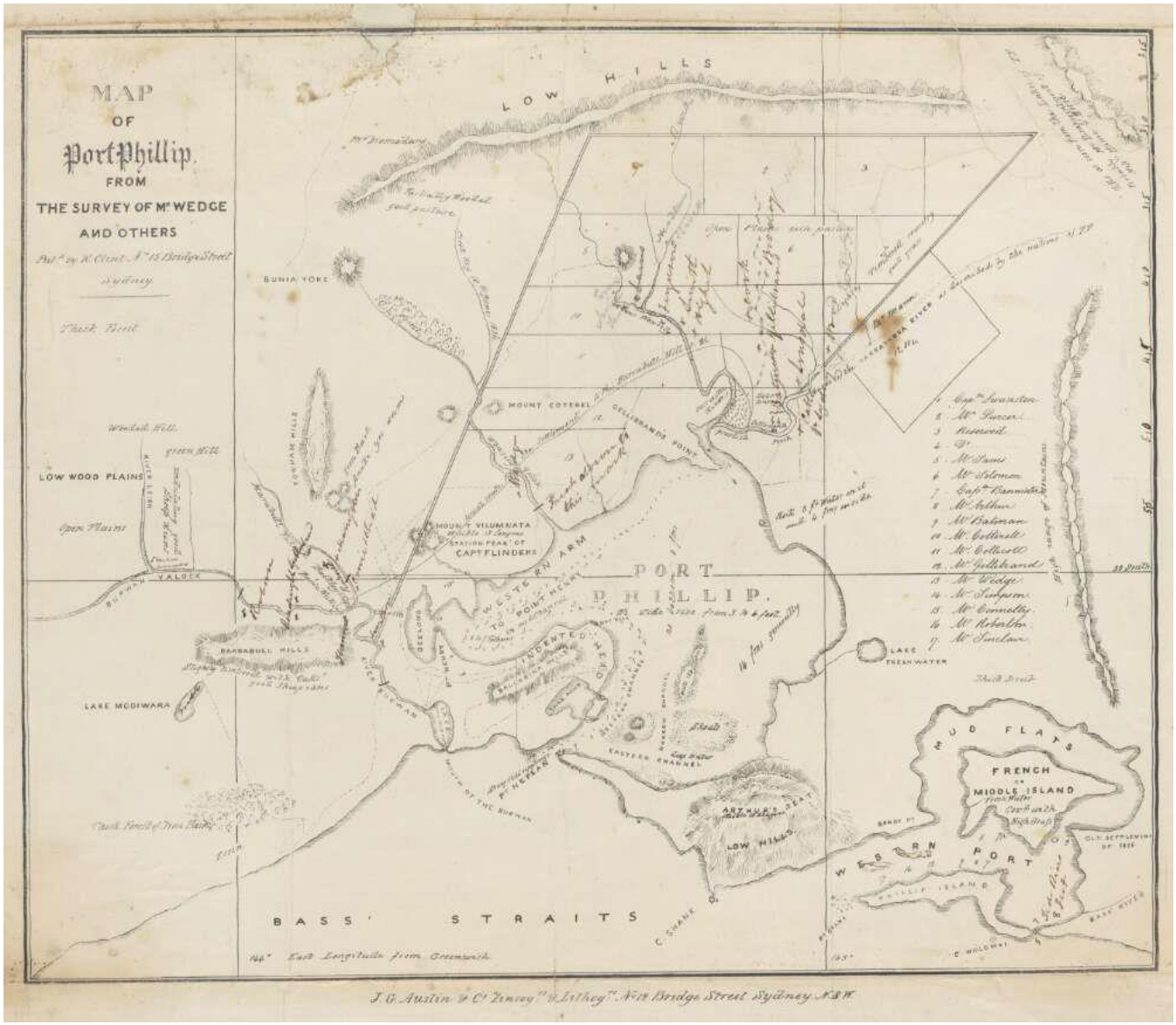
[60] Mudie to Swanston, 3 October, Box 32/7, *Derwent Bank Papers,* TAHO. Matthew Curling Friend was the same man who had previously sold the barque *Norval* to Launceston merchant Henry Reed after he had sailed it from England to Van Diemen's Land.
[61] *Ibid.*
[62] Swanston to Mercer, 30 October 1835, *Letterbook*, RS 9/3 (1), UTA, p 242; Launceston Advertiser, 22 October 1835, p 2.
[63] BJ Fergusson to Swanston, 14 November 1835, describing the capabilities of Port Phillip, *Derwent Bank Papers*, Box 32/12, TAHO. Fergusson's report is included as Appendix 1.

party had returned from a 112-day expedition and that their location at Portland Bay had been recognised by the English Government, adding 'I am quite certain that you will rejoice in this good fortune to our family.'[64] Anstey reported to Swanston that, in fact, the claim had not been recognised:

> I had a letter last week from an acquaintance at Launceston who says that Mr Henty has not succeeded in his application to the Home Government for Land at Portland Bay, but that Mr Henty intends to "amuse the Home Govt with other offers in the hope that he may not be disturbed in his operations for five years" – and my informant adds that this information is unquestionably true.[65]

By this stage Wedge had ascertained that the best land lay around the Exe River (Werribee River) and Corio Bay, to the west of Batman's settlement. Fergusson therefore set up Swanston's establishment on the west side of the Werribee River, distancing it sufficiently to reduce the risk of flocks being infected by those of neighbours and so there would be less chance of 'any idle communication taking place between our Servants and those of others'.[66]

[64] CS Henty to S Adey, 22 October 1835, Box 21/9, *Derwent Bank Papers*, TAHO.
[65] Anstey to Swanston, Box 32/9, *Derwent Bank Papers*, TAHO.
[66] Fergusson to Swanston, 14 November 1835, Box 32/7, *Derwent Bank Papers*, TAHO.



Map 3: Map of Port Phillip from the survey of Mr Wedge and others, National Library of Australia, Map RM 3595**.**

This map of Wedge's 1835 survey, published in 1836, shows the allocation of seventeen parcels of land 'purchased' by John Batman under his 'treaty' of June 1835. The names of Captain Swanston and Mr Purcer [Mercer] head the list of the fifteen Port Phillip speculators (on right-hand side). Parcels 3 and 4 were marked 'reserved'. Later hand-written notations indicate where Swanston's Establishment formed – in the area named 'Carayio' on the 'Burwan' River near the waterway named Geelong.

The arrival of Swanston's first shipment of sheep at Indented Head, including the beautiful sheep from 'Clarendon', was not so well executed. Through a breakdown in communications, Fergusson had only two days' notice of their arrival and was unable to send a full team to meet them because he had three men away on an extended journey.[67] This was complicated by his own rush to the settlement on the Yarra to meet the *Adelaide*, which he had been led to believe would be carrying a flock of Swanston's sheep − to find, in fact, it was carrying a load for Batman. After returning to Indented Head, Fergusson moved the sheep from Indented Head to Korborms, a cluster of native wells within five miles of Cayareyo (Corio), and left them there in the care of two trusted servants, Purdon and Lake, and a good sheep dog while he rode home to send two more men to assist the droving. On arriving back at the Korborms, Fergusson discovered that all but 235 ewes had escaped. Adding to Fergusson's anguish was the fact that Henry Batman refused to lend him any assistance to locate the lost sheep, 'whereas a few of his Sydney Blacks would have been of the greatest service.'[68]

Meantime, Mudie was in Launceston preparing to take over the next load. The *Norval* sailed from George Town again on 17 January, numbering amongst its passengers JT Gellibrand and his son Tom, William Robertson and Messrs Leake, John Gardiner and James Malcolm, Mudie, at least three shepherds and this time 1,124 sheep, including the flock purchased from O'Connor. The *Norval* encountered a heavy gale that detained it in rough seas for eight or nine days.[69] According to Gellibrand, some of the overcrowded sheep-pens broke and 115 sheep perished by injury or suffocation.[70] Their hay was destroyed and, by 23 January, passengers were helping Mudie keep the sheep alive by feeding them flour and water. The *Norval's* captain claimed he could not make Port Phillip without two or three more tacks and proposed putting in to Western Port, suggesting that Mudie should drive the sheep

[67] Fergusson to Swanston, 29 January 1836, Box 32/7, *Derwent Bank Papers*, TAHO. Fergusson explained the confusion by the fact that Mudie's letter advising him of the pending arrival had been addressed to Indented Head and had taken two weeks for the messenger to deliver it to the Exe, and when he had made a rushed trip to the settlement to confirm details he found the *Adelaide* coming in with what he understood to be another cargo of Swanston's sheep.
[68] *Ibid.*
[69] JT Gellibrand, 'Memorandum of a Trip to Port Phillip', in Bride (ed), *Letters from Victorian Pioneers*, pp 280-299.
[70] *Ibid.*

across to the settlement at Port Phillip. The following day, after Phillip Island was ruled out as a fit place to land the sheep, they were ferried to a tract of land with plenty of water about ten miles further up the bay, near the Government settlement that had been abandoned in 1827. Despite Gellibrand's warnings to the shepherds not to let the sheep stray or drink salt water, the next morning it was found that while the shepherds had slept on the beach, the sheep had disappeared. Gellibrand recorded that on hearing that the carcasses of about 280 were found in a muddy saltwater creek two miles from the landing place, Mudie went into 'violent hysterics.'[71] It was then determined that a party, including Gellibrand and fellow gentlemen passengers, should walk to the settlement on the Yarra and that Mudie should remove his stores and the shepherds' wives from the vessel, set up a base camp and continue searching for the rest of the sheep until assistance could be sent to him. The rest of the story is taken up in a report to Swanston by the three shepherds who were accompanying Mudie.

The three men, J Robinson, James Newman and C Bradbury, sombrely recounted that while rowing over to the *Enterprise* on 'Sunday week last' to make arrangements for sending the recovered sheep to Port Phillip, the long boat of the *Norval* boat capsized, hurling Mudie and three seamen into the sea.[72] They had clung to the bottom of the upturned boat about twenty minutes and would have been saved had not the grapple slipped out and fastened to the bottom. The waves dashed them off the upturned hull. 'Mr Mudie during the time he was on the Boat cried very much and said he had never injured or hurt any person, and prayed that God would forgive him his sins,' the shepherds wrote. One man, acting pilot Toms, swam about half-a-mile to an island in Western Port, where he remained naked all night until rescued by the boat belonging to the *Enterprise*. The others drowned.

The shepherds claimed the voyage had been most unfortunate from the first sailing from George Town. This was not only because of the rough passage, but due to the *Norval's* captain putting into Western Port to take on 200 tons of bark instead of Port Phillip to where Swanston's sheep were consigned. There had been a lack of consideration accorded to their duty, and, after Mudie and the other men drowned, the *Norval* had commandeered

[71] *Ibid.*
[72] Robinson, Newman and Bradbury to Swanston, 25 February 1836, Box 32/15, *Derwent Bank Papers*, TAHO.

most of their food supply and their supply was short. The shepherds concluded the letter: 'We think it impossible that poor people could have been harassed more than your humble servants.'[73] A transcript of the letter is at Appendix 2.

There is no evidence of Swanston's reply to the shepherds. On the outside of the letter is a note in his hand: 'The Shepherds Letter, Port Phillip 25 Feb^{y} 1836. Stating they had returned with 79 Sheep. Stating also that the Mate of the *Norval* said that when the Master bore away for Western Port the wind was fair for Port Phillip.' Perhaps Swanston had in mind an insurance or compensation claim.[74] No evidence exists of Swanston's reaction to the death of Mudie, one of the first white casualties in the rush to Port Phillip.

While Swanston was unlucky, so too was Fergusson. It was a bad start and one from which he did not recover. He spent weeks searching for the lost sheep, 'with much distress of mind'.[75] He was conscious that only 545 ewes and rams remained of the two valuable flocks, totalling around 2,124 sheep. He resented Swanston sending over David Fisher and Pitcairn to 'examine my proceedings' and was alarmed that two of his men, William Gunskin and James Moren, had gone missing while taking back some stores from Indented Head.[76] As well as searching for the men or their murderers (they were found speared), he had to contend with Henry Batman making a show of believing Gunskin and Moren had taken to the bush. Fergusson abhorred the behaviour of John and Henry Batman, saying Henry was 'much given to drink, is said to be extremely tyrannical, and is altogether an unpleasant correspondent, he is disliked and disrespected by everyone within the Colony, black and white.'[77] Fergusson considered John Batman dishonourable and inimical to him. He also complained that it was a great pity that no responsible person was in authority at Port Phillip.[78] Moreover, Fergusson could not abide Swanston's failure to reply to his numerous queries and requests and his lack of loyalty.

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[73] *Ibid.*
[74] Anstey refers to Swanston's 'lost mutton affair' and pending arbitration, but no evidence of outcome has been found. Anstey to Swanston, 6 & 14 April 1836, Box 32/9, *Derwent Bank Papers*, TAHO.
[75] Fergusson to Swanston, 2 February 1836, Box 32/7, *Derwent Bank Pape*rs, TAHO.
[76] Pitcairn was either Swanston's Hobart Town lawyer, Robert Pitcairn, or perhaps Pitcairn's son, David.
[77] Fergusson to Swanston, letters dated 29 January, 2 February, 26 February, 11 March and 22 March 1836, Box 32/7, *Derwent Bank Papers* TAHO.
[78] Fergusson to Swanston, 26 February 1836, Box 32/7, *Derwent Bank Papers*, TAHO.

In a fiery letter, dated 10 April 1836, Fergusson resigned, saying had been 'deceived and ill-used'. He claimed that Swanston had refused support in the fulfilment of his own instructions, given the insulting name of 'squabbles' to Fergusson's attempts to oppose injustice and had passed judgement on his conduct on the *ex parte* statement of prejudiced informers, refusing him the opportunity of exculpating himself. Fergusson concluded:

> On the whole, Sir, you could not have used more effective means for giving me disgust for my present situation, in doing which, whether intentionally or not, you have been completely successful, I beg leave to resign an office that no gentleman could hold under the present system and shall be glad to hear of the early appointment of a person authorised to receive the property in charge.[79]

Swanston was unaccustomed to such reproach. The only evidence of his reaction is a few words in a lengthier communique to Mercer: 'Mr Learmonth's friend Fergusson I must conclude is mad'.[80] He told Mercer that he had 'removed' Fergusson.[81]

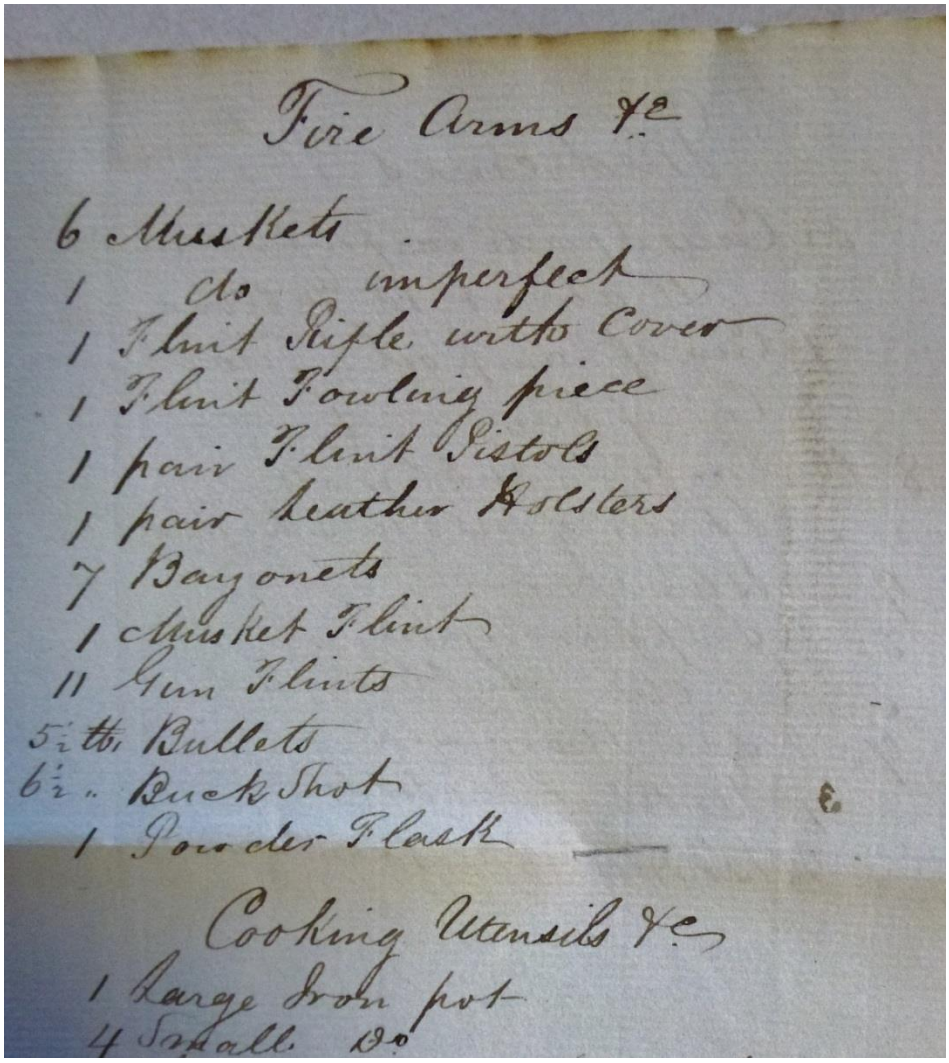
Swanston suffered significant losses during the first year of his Iramoo speculations – the hand-picked sheep; his shepherds Gunskin and Moren; the promising young Scot, Robert Mudie, and his first appointed overseer, BJ Fergusson. But the all-important land remained. When he first set eyes upon it, Fisher, like the unfortunate Fergusson before him, was struck by its fertility, telling Swanston:

> I must confess I never put my feet on such a fair country all my life, it is good for either Sheep or Cattle and of your wish to cultivate you have nothing to do but put in the plough. Mr Battman [sic] has as fine melons and cucumbers as we had at Dryden under glass.[82]

Fear was mounting on the frontier about the growing hostility of the Aborigines, being dispossessed of their hunting grounds and livelihood. One shepherd named Purdon acted briefly as overseer after Fergusson's departure, but declined Swanton's offer of the position long-term. He urged Swanston to send over 'a double barrel gun and also a spurn nipple and wrench and a box of percussion caps' because he had only a musket.[83] 'There is two more

[79] Fergusson to Swanston, 22 March 1836, Box 32/7, *Derwent Bank Papers*, TAHO.
[80] Swanston to Mercer, 1 June 1836, *Letterbook*, RS 9/3 (1), pp 270-271, UTA.
[81] *Ibid.*
[82] Fisher to Swanston, 15 March 1836, Box 32/11, *Derwent Bank Papers*, TAHO.
[83] Purdon to Swanston, 10 July 1836, Box 32/15, *Derwent Bank Papers*, TAHO. The last inventory taken by Fergusson showed that the establishment possessed '6 Muskets, 1 ditto imperfect, 1 Flint Rifle with cover, 1 Flint Fowling piece, I pair Flint Pistols, I pair Leather Holsters, 7 Bayonets, 1 Musket Flint, 11 Gun Flints, 5½ lbs Bullets, 6½ lbs Buckshot, 1 Powder Flask'.

men killed, one is Mr Franks and the other is the shepherd,' Purdon wrote: 'Please send the gear as soon as possible if you don't come yourself.'[84]


Fire Arms &c

6 Muskets
1 do imperfect
1 Flint Rifle with Cover
1 Flint Fowling piece
1 pair Flint Pistols
1 pair Leather Holsters
7 Bayonets
1 Musket Flint
11 Gun Flints
5½ lbs. Bullets
6½ " Buck Shot
1 Powder Flask

Cooking Utensils &c
1 Large Iron pot
4 Small do

Image 5: Inventory of firearms compiled by Fergusson early 1836, *Derwent Bank Papers,* Box 32/7. Photo Eleanor Robin

Like a seasoned general maintaining his front line, Swanston quickly found a replacement manager. On the recommendation of Fisher, 'a young Scotchman' by the name Frederick Taylor took over in June 1836. Taylor negotiated his terms of employment before committing himself, insisting on £100 per annum plus expenses (bed, board, washing and incidental expenses) and a percentage on the stock under his charge.[85] Taylor was confronted by conflict almost immediately, writing that while he and two other men were

[84] *Ibid*.
[85] Taylor to Swanston, 11 June and 13 July 1836, Box 32/1, *Derwent Bank Papers*, TAHO; Swanston to Mercer, 1 June 1836, *Letterbook*, RS 9/3 (1), p 271, UTA.

putting the bodies of Franks and his man in the cart, 'the Blacks' had visited his camp, but been driven away by a shepherd. His bullocks and cows had been missing for some days, driven off their usual beat by the natives.[86]

From his correspondence to Swanston, Taylor appears businesslike, competent and confident.[87] He had the responsibility of moving Swanston's establishment permanently to Geelong, where he selected a situation on the east side of the Barwinde (Barwon) River for the homestead. 'I am very glad of the change,' he reported to Swanston, 'as I consider Geelong to possess many local advantages over Mercer Vale and equally good for Sheep and Cultivation.'[88] Four weeks later Taylor was pleased to hear that Fisher was coming over to aid with shearing, but was concerned about the loss of lambs with scab breaking out violently. He suggested Swanston should send over a boat to ply to the settlement on the Yarra because a trip with the bullock cart to Gellibrand Point (Williamstown) took nine days. He requested a couple of thousand bricks for chimney building and, among a number of other practical matters, affirmed Swanston's decision to run a fence from the Barwon to Corio, about a mile on the narrowest part.[89] However, his concern for safety was evident when he warned Swanston that he would have difficulty preparing the land for seeds with only a small number of men, confirming the growing reluctance of labourers to be left alone or in small parties in case of attack. On 12 September 1836, he wrote:

> You will have heard before this reaches you of another outrage by the natives – Curacoine was treated by Mr Flett[90] and all Dr Thomson's men with great kindness, both he and his wife were regularly fed and had received blankets. He watched the opportunity of the Shepherds leaving home, and struck Mr Flett from behind the Door as he was coming out of the Hut, a severe blow on the forehead with a Tomahawk – he aimed a second but at the sight of Mr Flett's Gun his Courage failed and he effected his escape. Bunjohn the accomplice of Curacoine I am told has since been wounded by a shot. I am glad to say I took no part in the persecution of the natives for the murder of Mr Franks – nor shall I interfere with any of the Tribes unless in the protection of your Establishment.

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[86] Taylor to Swanston, 13 July 1836, Box 32/1, *Derwent Bank Papers*, TAHO. Taylor's account of assisting with the bodies is at variance with that of John Pascoe Fawkner who wrote in his journal 'Taylor (the brute) refused to lend his cart for the purpose', Fawkner quoted in *The Birth of Melbourne* ed. T Flannery, (Melbourne, 2002), p 69.
[87] Frederick Taylor's letters, Box 32/1, *Derwent Bank Papers*, TAHO.
[88] Taylor to Swanston, 1 August 1836, Box 32/1, *Derwent Bank Papers*, TAHO.
[89] Taylor to Swanston, 12 September 1836, Box 32/1, *Derwent Bank Papers*, TAHO.
[90] The 1836 census at Port Phillip records Captain James *Flitt* as an agent for Captain Swanston, 'Victorian Census Returns 1836', *Inward Registered Correspondence* VPRS 4, Public Record Office of Victoria.

> The news of the outrage has detained me on the Weariby or I should have had the Flock removed. On Monday first I hope to be able to commence operations at the new run.[91]

Taylor's commitment to non-violence did not last long. Boyce describes him as 'the infamous squatter henchman Frederick Taylor, the subject of an investigation for the killing of Aborigines as early as 1836.'[92] An Aborigine by the name of 'Kurakoi' was shot on 17 October 1836 by one of the workers on Swanston's property, John Henry Whitehead, who admitted guilt and was tried by a jury in the Supreme Court the following year, but found not guilty on a technicality. Taylor was not implicated in the trial and researcher, Barry Patton, claimed that he 'had fled' to Van Diemen's Land.[93] Taylor did return to Van Diemen's Land soon after the incident and continued in the employment of Swanston for at least another year, working in conjunction with Fisher to send over the best of the island's sheep to the Port Phillip stations.[94] Margaret Kiddle mentions him working several years later as superintendent of 'Glenormiston', near Terang, and suggests that Taylor, like others, began to shoot at the sight or sound of a native 'because he was afraid and continued in an excess of terror'.[95] More recent research indicates that in early 1839 Taylor led a group of Europeans in the murder of an entire clan of the Djargurd wurrung people in a gully of Mount Emu Creek, killing thirty-five to forty men, women and children in retaliation for sheep stealing.[96]

The Port Phillip Pie

Not only did fear constrain productivity on the new establishments, conflict with the Aborigines did not help Swanston's campaign for lawful possession of the lands. Peaceful relations and civilisation of the indigenous population were corner stones of the Port Phillip

[91] Taylor to Swanston, 12 September 1836.
[92] Boyce, *1835*, p 167.
[93] B Patton, 'Unequal Justice: Colonial Law and the Shooting of Jim Crow', *Provenance: the Journal of Public Record Office Victoria*, No 5, 2006, pp 1-22. Patton says John Henry Whitehead was a convict shepherd and the trial against him 'collapsed as it opened because the witnesses (and possible accomplices) had fled to Van Diemen's Land'. Researcher Ian Clark claims that Curacoine, known also as Woolmudgin, was killed after being mistaken for the Aboriginal who had attacked Captain Flitt with a tomahawk three months earlier, ID Clark, *Scars in the Landscape: a register of massacre sites in Western Victoria 1803–1859*, Report of the Australian Institute of Aboriginal and Torres Strait Islander Studies, (Canberra, 1995), p 173.
[94] Taylor wrote frequently to Swanston on sheep matters from 'Lovely Banks' during the year 1837, Box 32/4, *Derwent Bank Papers*, TAHO.
[95] Kiddle, *Men of Yesterday,* p 122.
[96] Clark, *Scars in the Landscape,* pp 105-106.

Association's justification for recognition of its claim to the new pastures. In early September 1836, Montagu advised Swanston of Glenelg's decision not to authorise the settlement and that:

> Lord Glenelg further observes, that the conduct of Mr Batman towards the natives has been such as to make him regret that he finds it his duty not to advise His Majesty to sanction the proceedings of that gentleman and his associates.[97]

Now Swanston was receiving reports of deaths and outrages on his own land, as well as getting wind that Bourke had fixed upon selling the lands as soon as they were surveyed.

When Bourke invited the Port Phillip Association to send a deputation to lay its claims before the Executive Council, Anstey advised Swanston that a mission to Sydney would be 'a most judicious measure'.[98] In October, Swanston, Gellibrand and Simpson took the association's case to Sydney, representing what the press called 'the sacred nine' – the remaining members of the association.[99] Swanston's solicitor cousin, John Dobson, went also, representing about forty squatters at Port Phillip, unaffiliated with the association. *The Australian* claimed 'the object of the former is said to be to obtain Free Grants of about 250,000 acres each while that of the latter is to be allowed selections of land at the minimum price of five shillings per acre'. *The Australian* expostulated that, if free grants were given to Swanston, they could not, in justice, be denied Dobson's clients. This climate did not bode well for the mission's success. Gellibrand told his wife, Ann:

> Altho' the settlers of Sir Richard Bourke induced us to expect that the matter would be settled "satisfactorily" we faced to our surprise a mortification that there was no prospect of realising our wishes, for the people and the Government were not sympathetic to (…?) 'squatters'…We have all been like fish out of water, and kept in a state of Daily anxiety and worry and have been wholly prevented from leaving Town (or seeing any part of the country). The weather has been most oppressively hot and I leave you to judge, with no occupation and tied by the leg for nearly three weeks, the annoyances we have endured. PS The Council have (..?) us £7,000 as a compensation and taken all the Land away.[100]

[97] Montagu to Swanston, 1 September 1836, *Crowther Collection*, CRO.Q 994.5 POR, TAHO.
[98] Anstey to Swanston, 29 September 1836, Box 32/9, *Derwent Bank Papers*, TAHO.
[99] *Australian*, 18 October 1836, p 2.
[100] JT Gellibrand to his wife, 1 November 1836, *Gellibrand Family Papers*, NS187/14/1/4, TAHO.

Swanston was also despondent, predicting to Mercer that the Sydney Government would refuse the association's request.[101] This was probably the first time since leaving India that Swanston felt his influence waning. He was beginning to grasp the subordinate status of the empire's colonies, and perhaps realising that the authority he had in Van Diemen's Land did not extend to the administration of New South Wales. The outcome was that the governor and executive council did not recognise the association's claim for title, but allowed the association remission for any purchases of land put up at public auction to the amount of the expense incurred by them prior to Bourke's announcement of 26 August 1835, calculated to be £7,000.[102] Sutherland considers that the representatives of the Port Phillip Association might have achieved more favourable terms had there not been two other deputations 'at their heels' – the proprietors represented by John Dobson and a group of seven settlers who memoralised Bourke to be put on the same footing as the association.[103] So still filled with anxiety and annoyances, Swanston and Dobson returned home.[104] Their voyage on the brig *Siren*, under the command of Captain Bell, took an inordinate time and when the *Thomas Lawrie* reported passing the upturned hull of a similar sized vessel in a severe gale, rumour spread around Hobart Town that the party was lost. Anstey, ever attuned, to his friend wrote:

> I congratulate you most heartily on your safe return. The fears for your safety were great, and general, and I must admit that a story, which was told me yesterday, caused me to feel almost certain, that you were gone to "Kingdom come".
> Now that you are once more safe on terra firma I don't care so much for the failure in the object of your mission to Sydney … Pray oblige me, by action of Post, with some hints for my guidance, as to what it is necessary for me to do in the first instance – and what are your own views now, as to Port Phillip.[105]

After Bourke's edict, more members of the association relinquished their shares and some demanded their 1/17th share from the Port Phillip Association's £7,000 compensation.[106]

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[101] Swanston to Mercer, 26 November 1836, Mercer Letters, MS 13166, Box 3827/4, State Library of Victoria.
[102] Sutherland, *Victoria and its Metropolis*, pp 137-138, *Sydney Gazette and New South Wales Advertiser*, 3 November 1836, p 2.
[103] Sutherland lists the names of the group of seven as WJT Clarke, R Lewis, GT Lloyd, R Sutherland, J Sutherland, W Carter and G White.
[104] Gellibrand and Simpson stayed longer in Sydney.
[105] Anstey to Swanston, 19 November 1836, Box 32/1, *Derwent Bank Papers*, TAHO.
[106] For example, nearly two years later William Sams asked for a one-seventh share, Sams to Swanston, 25 November 1838, Box 32/15, *Derwent Bank Papers*, TAHO.

Undaunted, within days of arriving home Swanston decided to put the compensation money towards further land speculation and redirected the surrendered shares to himself, Gellibrand, and his wealthy associates, Mercer and McKillop, to form the Derwent Company, a completely new venture. McKillop had not been a member of the Port Phillip Association, but was a large landholder, like Mercer, in Van Diemen's Land and a squatter at Port Phillip. Swanston asked Fisher to take on the overall management of the company's interests at Port Phillip for seven years.[107] Fisher accepted in writing on 24 November 1836, agreeing to ship the livestock from 'Lovely Banks', await the arrival of 'fresh flocks', select the best site for the establishment at Geelong and see the flocks settled at the outstations. Fisher requested a contract to be drawn up, and begged Swanston to clearly understand that 'I am to have the sole management in hiring and discharging the servants etc etc and that all your communications with the Establishments are to be through me.'[108] There was an inference also that the Derwent Company was to incorporate Mercer's interest in Van Diemen's Land as well as Port Phillip. On behalf of the Derwent Company, Fisher soon had oversight of all the Bellarine Peninsula from Queenscliff to Geelong.[109]

Through the joint efforts of Fisher and Taylor, the properties Swanston was responsible for in both Van Diemen's Land and Port Phillip prospered, allowing Swanston to concentrate on the larger question of lawful possession. A curious matter of history is that Fisher worked to Swanston's directions, as illustrated by the above and many other letters, but in his contribution to LaTrobe's historic collection of papers on the beginnings at Port Phillip, he takes credit for the first flocks being forwarded to Port Phillip and appropriates to himself the role of Swanston in setting up the early establishments.[110] This misrepresentation is discussed further in Chapter 8.

As Swanston was reorganising the Port Phillip venture another set-back came with the death of leading spirit Gellibrand. Gellibrand and his legal colleague, GBL Hesse, went missing on an exploratory trip in the Barwon district in late February 1837. Gellibrand's disappearance placed a greater administrative burden on Swanston's shoulders. Brown

[107] Fisher to Swanston, 24 November 1836, Box 21/15, *Derwent Bank Papers*, TAHO.
[108] The contract gave Fisher a salary of £100 per annum, plus one-tenth of the net profits and produce of the flocks and establishments at 'Dutegalla' (Swanston's spelling), Swanston to Mercer, 1 June 1836, *Letterbook*, RS 9/3 (1), p 271, UTA.
[109] Sutherland, *Victoria and its Metropolis*, p 139.
[110] Fisher's to LaTrobe in Bride (ed), *Letters from Victorian Pioneers*, 11-17.

explains that Montagu and another large Vandemonian landholder, Thomas Learmonth senior (1783-1869), joined the Derwent Company in September 1837 by their purchase with Swanston of the late Gellibrand's stock, plant and expectations at Port Phillip.[111]

In January 1838 Swanston entered an agreement with the medical practitioner and catechist, Dr Alexander Thomson, to form a stock establishment consisting of sheep, cattle and horses under the control of Thomson with the expenses to be borne between the two of them. The agreement was that Thomson was to have ten per cent per annum on the increase of the stock and ten per cent on the proceeds of all profits accruing from the establishment in return for his management.[112] In 1836 Thomson had moved from his rudimentary accommodation on the Yarra to Geelong district and settled on land at Kardinia, near the falls on the Barwon.[113] However, the location of the land he managed in partnership with Swanston is not identified in the agreement and it has not been discovered how long the partnership continued.

When Sir George Gipps replaced Bourke as governor of New South Wales in February 1838, Mercer in Britain and Swanston were still expecting special privilege. Swanston sent Hobart Town solicitor, Arthur Perry, as his agent to ascertain the views of the new governor.[114] Some briefing notes on the case for his priority of purchase give an insight into Swanston's reasoning.[115] He provided a sketch map showing the lots of land and explained that Gellibrand's principal station in the parish of Will Will Rook dated from the first settlement of the colony. As this land was now to be sold, and Gellibrand's estate could not purchase (meaning they were not in the position to pay for the land that Gellibrand had appropriated), his stations there would be sacrificed and his flocks and herds would be driven away. This would be the case for all members of the association, but none would suffer as seriously as Gellibrand's estate and himself. Swanston's notes continued:

> One of my stations at Geelong has cost me nearly £1,000. This station was taken possession of before the proclamation was issued, built upon and improved and since much added to on the faith of Lord Glenelg's despatch stating we should have

[111] PL Brown, *The Clyde Company Papers*, Vol 5, 1851−53, (London, 1963), p 604.
[112] Agreement between Alexander Thomson and Charles Swanston, 1 January 1843, *Charles Swanston – Miscellaneous Correspondence*, CRO31/2/10, TAHO.
[113] L Gardiner, 'Thomson, Alexander (1800−1866)', *ADB*, Vol 2, (Melbourne, 1967), p 522.
[114] Swanston to Gipps, 22 August 1838, *HRA*, Series i, Vol xx, (Sydney, 1924), p 102.
[115] Draft in Swanston's hand, dated 22 August 1838, Box 39/1, *Derwent Bank Papers*, TAHO.

> priority of purchase but which, of course, I am subject to lose if the principle of Sir Richard Bourke is imposed. To save myself and other members of the association from this cruel act of injustice and from serious loss, we now appeal to the justice of Sir George Gipps. First that we shall be permitted to take the amount of the remission in one block or in two blocks or in as many as the government might think proper at the upset price of 5/- per acre and second, that we may be permitted to keep our stations.[116]

Swanston advised that, should government grant the association priority of purchase of the land at 5/- acre to the extent of the £7,000 for expenses incurred, Perry was to state that the association had no wish to interfere in any way with the lands advertised for sale and was willing to give up its stations in those lands and to sacrifice all rather than be in any way a hindrance to the government. If neither acts of justice were granted, Perry was to deliver an attached formal protest. Swanston always played his cards close to his chest, and this instance reveals his usual circumspection in concluding his directions to Perry:

> I do not think I can offer any further observations except most particularly to caution you to keep aloof from all party spirit and to be cautious in never speaking on the subject of your mission, for if you once do so, to disinterested parties and this business gets abroad in the newspapers, all confidence will be lost, on you, on the part of the Government.[117]

The nature of the reception Perry received is not known. When the Crown lands were auctioned in Sydney in February 1839 Swanston secured a valuable large run on the Barwon River, which went at the price of 25/- an acre, though the upset price was only 5/-.[118] Billis and Kenyon explain the high price was caused by competition from the Clyde Company. A particular parcel, since known as 'Lawrence Park', ultimately fell into the hands of Learmonth The Derwent Company also bought 'Mount Mercer' and land on the Moorabool River and grazed large flocks of sheep on the site of present day Geelong. Swanston's most prominent holding was Native Hut Creek Number 3, managed between 1842 and 1851 by Swanston's son-in-law Edward Willis and his eldest son, Charles Lambert Swanston, under the firm Swanston, Willis & Co once the Derwent Company wound up. Some of Gellibrand's shares went to Arthur.[119] AGL Shaw records Arthur's dismay at the continual drain on his pocket. By 1841 Arthur's investment had absorbed £16,000, roughly half for acreage and

[116] *Ibid.*
[117] *Ibid.*
[118] Billis & Kenyon, *Pastures New*, pp 75-76.
[119] AGL Shaw, *Sir George Arthur, Bart 1784–1854, (*Melbourne, 1980), p 271.

provisions and half for livestock, while the revenue had totalled only £3,500. The expenditure had exceeded 'beyond all bounds the capital originally agreed to be advanced' and Arthur entreated that no further advance should be made.[120]

Arthur was not the only one alarmed by the expenditure at Port Phillip. For Learmonth the Derwent Company's establishment was 'anything but satisfactory'.[121] In January 1839, Learmonth expressed disappointment that Mercer had not provided the £20,000 that he had believed was forthcoming when Mercer's son, George Duncan Mercer, entered the concern. Learmonth was worried that the enormous expenses would not be defrayed by returns on wool and complained that Fisher had not produced adequate returns quarterly as he had been requested. Learmonth proposed that he would be quite willing to make a considerable sacrifice to administer the business 'as I am satisfied it would be more for my interest in the end: a great concern like the one at Port Phillip must either be a large loss or a large profit'.[122] Swanston replied promptly that he agreed with all Learmonth said and would discuss the issue with Montagu, adding:

> I at once consent that you should take the whole management of the Concern upon yourself and that you should either be allowed a fixed Salary or a certain commission on the yearly proceeds. Could I give up my situation here so as to take charge and be enabled to pass a certain period every year at Port Philip I would be delighted to do it. But I am too much tied down here having the interests of too many on my shoulders.[123]

Swanston agreed that the expense of the establishment was enormous and must be badly managed by Fisher 'not wilfully from want of management but perhaps from having too much to attend to'.[124] No evidence has been found of Learmonth assuming a management role. A letter from Swanston to Montagu several years later indicates that Learmonth was yet another victim of the depression and had been declared insolvent, with Swanston noting his estate would pay little or nothing. [125] His sons, however, restored the family's affluence

[120] *Ibid.*
[121] Learmonth to Swanston, 7 January 1839, Box 32/15, *Derwent Bank Papers*, TAHO.
[122] *Ibid.*
[123] Swanston to Learmonth, 7 January, 1839, Box 32/15, *Derwent Bank Papers*, TAHO.
[124] *Ibid.*
[125] Swanston to Montagu, 3 June 1844, *Letterbook*, RS 9/3 (2), p 358, UTA.

through their shrewdness and intelligence and owned some of Australia's best sheep before their return to Britain.[126]

From the forty or so squatters from Van Diemen's Land represented by Dobson in the negotiations in Sydney in October 1836 and the seven individuals who had memorialised Bourke, the number of newcomers grew rapidly in following years, including young men from 'respectable' backgrounds, many receiving financial backing from their families. George Alexander Anstey was one who made the journey, his father complaining that 'the Lad's outfit and altogether' to take his flock to his 'Land of Goshen' cost him more than £2,500.[127] However, maybe because of the frontier conflict, George Anstey found 'no inviting spot' at Port Phillip, sold his sheep to Learmonth and his horses to Fisher, and returned to 'Anstey Barton' in late April 1837.[128] George Anstey subsequently became a prominent settler in South Australia.

After Batman's death in 1839, Swanston again considered going to Port Phillip himself, but had to reject the idea because he was too weighed down by responsibilities in Hobart Town. Not all Swanston's clients ended up admirers, but it is evident that Sir Richard Bourke acknowledged Swanston's role in the development of Port Phillip. When he visited the raw settlement on the banks of the Yarra in March 1837, he patriotically named it 'Melbourne' after Whig Prime Minister Lord Melbourne (William Lamb) and conferred the name 'Swanston' on the street that developed as the city's main thoroughfare.[129]

In 1840 Fisher, managing the Derwent Company's interests, received a visit from Charles LaTrobe, who had been appointed the previous October as Superintendent of the Port Phillip District of New South Wales. Fisher told Swanston that Latrobe had complimented him on the state of the sheep, cattle and stations. He expressed confidence that Latrobe's representations of Geelong to the government would result in much being done for this

[126] PL Brown, 'Learmonth, Thomas (1818–1903)', *ADB*, Vol 2, (Melbourne, 1967), p 100. Brown writes that despite their interest in the Australian merino, the Learmonth brothers were essentially detached, 'investing sojourners' in the antipodes.
[127] Anstey to Swanston, 23 February and 12 March 1837, *Derwent Bank Papers*, TAHO.
[128] Anstey to Swanston, 1 May 1837, Box 32/9, *Derwent Bank Papers*, Box 32/9, TAHO.
[129] Boyce, *1835*, p 148. Bourke conferred the original names on the grid of streets laid out by surveyor Robert Hoddle.

district in the way of wharfs, roads and bridges and other facilities.[130] 'Could you think that land is now selling from Town at 50£ an acre?' Fisher exclaimed. 'Major Mercer is offered 20£ an acre for his 100 acres for which he paid an average of 6£ per acre. I wish you would come over and only see the place, Mr McLachlan and you was fortunate to get so much good and well-watered land, several sections has changed hands @ 3£10/- and 4£ per acre since the sale'.[131]

Again, Swanston declined to 'go over' and soon afterwards Fisher was setting up his own property in Geelong and his interests were diverging from Swanston's. Two years later prospects were not good for the Derwent Company, probably because of the heavy expenditure that worried Learmonth, the squeeze of the forties depression, and maybe because the investors lost trust in Swanston's schemes. Messrs Learmonth and Mercer began dividing the company's stock in mid-1843.[132] Seven months later Swanston told Montagu:

> For the debts due by yourself and Mr Learmonth to the Company it is proposed to take your Bond and security over the land that has fallen to your shares, all the partners continuing liable for the general debt until finally liquidated. Our loss has been great but considering the general depression of prosperity and the heavy losses sustained by everyone in the Colonies particularly in speculation in Stock & Land at Port Phillip I am thankful that we have so well got out of it. [133]

Swanston suggested the best option for Montagu as an absentee was to sell his share at its current valuation to relieve him from future responsibility, as it was not probable that any change for the better would occur in the colonies for at least some years. Swanston bemoaned the fact that the Port Phillip Bank had closed and shareholders were unlikely to get ten shillings in the pound. Its ruin had been occasioned by several of the directors having become insolvent and indebted to the bank to the extent of £27,000. He said that things had taken such a turn for the worst that he was afraid of a general bankruptcy as all kinds of property, whether stock, land, or shares in companies were unsaleable except at ruinous prices, adding:

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[130] Fisher to Swanston, 21 February 1840, Box 32/15, *Derwent Bank Papers,* TAHO. The George Mercer mentioned by Fisher would have been George Duncan Mercer, son of the Edinburgh merchant.
[131] *Ibid.*
[132] Swanston to Mercer, 22 July 1843, *Letterbook*, RS 9/3 (2), p 224, UTA.
[133] Swanston to Montagu, 17 February 1843, *Letterbook*, RS 9/3 (2), pp 255-258, UTA.

> Land & Stock are not worth half the value they were three years ago. Daily failures are the consequence… In Launceston the failures are becoming daily more serious. I begin consequently to tremble for the Banks. As yet we have sustained no loss but we cannot expect to escape. We have reduced our dividends to 10 per cent and I propose to declare more.[134]

While Swanston was resigned to the folding up of the Derwent Company, he knew the potential of the Geelong grazing lands and was still prepared to sink capital into them. In 1842 he offered his son-in-law, Edward Willis, the opportunity to take charge of his pastoral interests in Geelong. Willis, who had been managing 'Wanstead Park' near Campbell Town, the estate of his father, Richard Willis, jumped at the idea. He was delighted to get away from his 'unreasonable' father who, for all Edward's hard work, remunerated him with only ten per cent of the net profit of 'Wanstead Park'.[135] Swanston's daughter Kate showed some apprehension, scribbling on the bottom of Edward's letter accepting the offer: 'The truth is dear Papa, Edward must give me time to screw up my courage to go to Port Phillip. It will be a great undertaking for me, to leave here.'

Once settled near Geelong, Edward and Kate were joined by Swanston's eldest son, Charles Lambert Swanston, and these young people became prominent woolgrowers.[136] The relief to Swanston of getting at least part of his large family established was evident in him telling Montagu that if he could get them all settled 'I shall be too happy as I then shall be able to give up all business. I am daily getting more and more tired of work and fretful which warns me to retire.'[137] While undoubtedly the speculation of Port Phillip was the beginning of Swanston's personal financial crisis, by the time the Derwent Company dissolved, his sons and daughters were becoming independent and settling on some of the estates he had initiated. The unfortunate situation was that just as the Victorian properties were beginning to show good profit, the Derwent Bank collapsed and Swanston's debts forced the sale of

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[134] *Ibid,* Swanston to Montagu, 17 February 1843, (second letter of the same date), pp 260-262.
[135] Edward Willis to Swanston, 28 July 1842, Box 24/8, *Derwent Bank Papers*, TAHO. Anstey confirms that Richard Willis was unreasonable. Anstey's concern for Richard Willis' deteriorating judgement flows through many personal letters to Swanston over the years 1835−1838, Box 32/9, *Derwent Bank Papers*, TAHO. Anstey was particularly worried about Richard Willis's treatment of his daughter, Marianne, after her husband, Captain William Serjeantson, was murdered by bushrangers in 1835. Willis apparently thought he could commandeer the couple's property, 'Hanlith'.
[136] Willis became a major pastoralist in Victoria and played a large role in the development of Geelong, JA Hone, 'Willis, Edward (1816–1895)', *ADB*, Vol 6, (Melbourne, 1976), p 407.
[137] Swanston to Montagu, 17 February 1843, *Letterbook* RS 9/3 (2), p 260, UTA.

much of the family's Victorian assets. Their later activities in Victoria are mentioned in Chapter 8.

When Swanston signed over his property to his creditors before finally leaving Van Diemen's Land in January 1850, his principal assets were in lands, sheep and stations at Port Phillip, held by him jointly with his son Charles and Edward Willis and valued at £52,000. He owned, or had large shares in, Native Creek Station of 15,000 acres on the River Leigh with its home and many outbuildings; fifty-one farm lots at Barrabool Hills; eight farm lots in the Parish of Gherinhap; sixty-five lots in the Village of Meerawaap (six miles from Geelong); twenty-five suburban lots in Section 10 Barrabool; a splendid 14-roomed family residence, 'lately in the occupation of E. Willis, Esq.' fronting Barwon Terrace, Geelong, and allotments number ten and eleven in South Geelong.[138] In Swanston Street Melbourne, to which Shaw refers, Swanston owned a valuable parcel of land on the north-west corner of Swanston and Bourke Streets (now centre of the city) and other blocks in Elizabeth Street and Little Flinders Street, as well as 'suburban acres in the County of Grant'.[139] In the wind-up of the Derwent Bank's assets Swanston's trustees, John Walker and Askin Morrison, estimated that Swanston's share was £44,000, in family properties at Port Phillip, leaving £4,000 for each of his two young relatives. They suggested the best way for the young men to settle their debt to Swanston might be to sell the whole of the properties and have the benefit of what might sell at a higher price.[140] In urging for a quick sale they said the expense of carrying on the stations was very heavy, 'upwards of £10 a day'.[141]

Swanston's place in Victoria's history

A common feature of most histories on the settlement of Victoria is the uncertainty they convey around certain aspects of Swanston's involvement, from how he became involved in the speculation and how he involved George Mercer in Edinburgh, to whether or not he left

[138] *Catalogue for auction* held by Dalmahoy Campbell at Macks Hotel, Geelong, 25 September 1850, Swanston Correspondence File, TAHO. Note, the farm lots were subdivisions made when the Swanston family was forced to sell Swanston's assets because of the debt to the Derwent Bank.
[139] List of deeds held by D Ogilvy, solicitor, Melbourne, for Charles Swanston, Hobart Town in April 1844, Box 3/4, *Derwent Bank Papers*, TAHO.
[140] John Walker & Askin Morrison to William Montgomery Bell, 15 January 1850, Box 8/3, *Derwent Bank Papers*, TAHO.
[141] *Ibid*.

Van Diemen's Land to reside in Victoria.[142] Swanston's Derwent Bank extended to the early settlement by the Yarra, but it was a short-lived agency managed by William Frederick Augustus Rucker and whether Swanston ever lived, even briefly, in Melbourne, apart from passing through on his final voyage en route for California, is doubtful.[143] Although he had expressed a desire to do so, his business in Hobart Town prevented him from fulfilling the desire. There is some confusion with his eldest son who bore the same first name.[144]

The fact remains, however, that Swanston was more important in the settlement of Victoria than as simply banker to the Port Phillip Association. He was the conduit between the association and Arthur. He was the 'anchor-man' in Hobart Town while the other major venturers – Batman, Gellibrand and Wedge – were exploring the 'new country'. He briefed Mercer in Edinburgh on how to put the case for lawful settlement to the Home Office; argued it with the colonial government in Sydney; purchased or chartered the ships that undertook the great 'sheep lift' across Bass Strait; and organised the capital for the first 'establishments'. In fact, there is sufficient evidence in the *Derwent Bank Papers* to argue that Swanston's input into the Port Phillip speculation, from its beginning as a search for new land to the authorisation of licensed squatting and the Crown's land sales, was a catalyst for the development of government policy for regularised settlement in the Australian colonies. The cogent case argued by Swanston and Mercer forced the hand of the authorities. As stated by JCH Gill, the outcome negated for once and for all the principle of concentrated settlement, which the Imperial Government had sought to impose on Australian colonial development.[145] Boyce claims the abandonment of the policy of

[142] This uncertainty extends into the public domain of modern times, exemplified by piece of public art, entitled 'Three Businessmen Who Brought their Own Lunch' at the corner of Swanston and Bourke Street, Melbourne, comprising whimsical life size figures of explorer John Batman, 'who founded the first settlement', surveyor Charles Hoddle, 'who designed the layout of the city' and Charles Swanston, 'a prominent businessman and banker in Melbourne'. It helps perpetuate a common misconception that Swanston moved to Victoria. The sculpture is by Alison Weaver and Paul Quinn http://www.emelbourne.net.au/biogs/EM02029b.htm, accessed 20 March 2016. Artistic licence perhaps has been used to convey Swanston's influence, if not his real presence, in being part of the trio who brought their own lunch.

[143] Sutherland, *Victoria and its Metropolis,* p 159.

[144] The 1836 census taken at Port Phillip lists 'Chas Swanston' and six adult males under the same roof. A closer look shows the entry under the column 'Occupier in town, proprietor in Country'. Swanston was the proprietor, albeit an absentee one. 'Victorian Census Returns 1836'.

[145] JCH Gill, 'Notes on the Port Phillip Association', *Journal of the Royal Historical Society of Queensland* Vol 9, No 2, 1973, p 171.

concentrated settlement began the continental land rush. Between 1835 and 1838 more land and people were conquered than in the previous half-century.[146]

Personally, Swanston's hopes for Port Phillip were fulfilled to the extent that the potential was created to ensure the 'fortune for his children'. That his huge injection of intellectual and financial capital in the Port Phillip speculation did not yield more for himself was a matter of timing, the economic cycle and his choice to remain in Van Diemen's Land rather than join the exodus to new pastures. He showed prescience about the longer term wealth of Victoria, telling the Reverend H Jeffries, Senior Chaplain at Bombay, in June 1837:

> It is impossible to offer an opinion as to the probable result of the New Colony of South Australia. Its principles are bad – it will no doubt succeed – but it will be centuries behind the old colonies. Port Phillip is established and flourishing and cannot fail to be a great Colony.'[147]

[146] Boyce, *1835*, p xiii.
[147] Swanston to Rev H Jeffries, 24 June 1837, *Letterbook*, Crowther Collection, CRO24/1/1, TAHO. Note: the spelling 'Jeffreys' is used in other entries in the letterbook for the same person.

CHAPTER 7: 'A TASTE AND SPIRIT OF REFINEMENT'

> But these fears were changed to hopes, when we came and saw the richness and beauty of the country for which we had left our home, we found the soil productive of abundant harvests, the climate most congenial to our constitutions, the scenery magnificent and new, and the land altogether full of the most interesting curiosities. Who will deny, that his sensations, in making these discoveries, were joyous, and at the same time preparatory to those of permanent interest in the place of his new residence?[1]

Swanston's urgent desire to acquire land, outlined in Chapter 1, exemplifies the point made about English society by THS Escott: 'The possession of land is the guarantee of respectability and the love of respectability and land is inveterate in our race.'[2] Owning a rich estate implied leisure time for gentlemen to pursue their intellectual interests, keep up with the daily newspapers, attend to their correspondence, and perhaps do some good works.

Swanston managed all these matters, as well as extending his patronage to certain organisations and individuals. His eclectic range of interests included horticulture (probably inspired during childhood on his father's share-farm); surveying and engineering (from his training with the East India Company); horse breeding (again from his military service), and an avid interest in classics, church history, architecture and contemporary literature. He played the flute, built up a personal library and attended to a large volume of correspondence. Swanston's talents were called upon to many purposes, including service as one of the first wardens of St John's Church, New Town, guardian of the Orphans' Schools, member of the Board of Education and the Mechanics' Institute and vice-president and treasurer of the Royal Society from its inception to his departure from the colony.[3] The old country's tradition of 'noblesse oblige' had taken root among the elite in Van Diemen's Land.

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[1] G Frankland, Surveyor-General, proposing a toast at the dinner marking the inauguration of the Van Diemen's Land Philosophical Society in Hobart on 16 January 1830, *Hobart Town Courier*, 23 January 1830, p 4.
[2] THS Escott, *England, its People, Polity and Pursuits*, (London, 1890), p 315.
[3] St John's Church opened for services in December 1835 and, as Government House was in its parish, the Lieutenant-Governor attended there. The first churchwardens included Swanston, John Bell and George Gatehouse. The three trustees were W Fletcher, R Pitcairn and John Beaumont, *Mercury*, 24 May 1835, p 5.

This chapter highlights the network among the landed elite as they established their estates, shared ideas on architecture or the fashion in furnishings and swapped plants for their gardens, orchards and vineyards. In the days before rapid transport and communication, such networks and the trust they built were the elixir of commercial life. Many a thought on world affairs and mutual interests accompanied the gift of cuttings or seeds. The chapter also reveals how Swanston's cultural pursuits and the stimulus he gave to educational institutions and learned societies helped further the subtle goals of 'moral enlightenment'. In this way – in the tradition of merchant statesman – benefits were conferred upon the state and Swanston was respected for putting his creative talents to useful purpose.

A sad irony was that just as Swanston's efforts were literally bearing fruit on 'New Town Park', his multifaceted financial affairs – which funded projects on the estate – were unravelling. Proceeds of the auction of his estate benefited only his creditors.

'New Town Park'

As befitting the image of a man of substance, Swanston's home was a showpiece of style and taste. It demonstrated his aspirations and his meticulous attention to design and function. Swanston began negotiating to purchase his famous property in 1829 while on leave from India, but the transaction was not completed until he was granted 157 acres and a new title in 1834.[4] Sometime before this Swanston had changed its name from 'Prospect Farm' to 'New Town Park'. After obtaining the title he subdivided and offered for sale all but approximately twenty-seven acres.

A partnership responsible for constructing many of the principal residences in New Town, brothers-in-law Thomas White and Henry W Seabrook, is credited with the construction of Swanston's residence.[5] These builders had voyaged to Van Diemen's Land in 1832 in the *Thomas Laurie*, the same vessel that carried Georgiana and the children. The family must

[4] The land, on the New Town Rivulet, had been part of original grants to settlers Thomas Hayes (*Mill Farm*) and Thomas Issell (*Isselton Farm*). Swanston bought it from Malvina Hobson who apparently had inherited it from Bartholomew Broughton. *Hobart Town Gazette and Van Diemen's Land Advertiser*, 25 October 1823, p 1; W Oakman, *pers com*, 9 September 2014. Warwick Oakman, architectural historian and antique dealer, is the owner of 'New Town Park'.

[5] M Ward, *Built by Seabrook: Hobart buildings constructed by the Seabrook family from the 1830s*, (Hobart, 2006), p 58.

have occupied the old home built by Bartholomew Broughton until the new residence abutting it was completed circa 1835.

In terms of style, architectural historian Eric Ratcliff claims that the home is 'certainly one of the finest Regency compositions in Australia.'[6] The architectural design motifs to the exterior are derived from an accurate knowledge of the Greek Doric order. The floorplan is non-symmetrical and the interior is characterised by rooms of gracious proportion, with a semi-circular bow to the drawing room and an inter-connected morning room.[7] It was designed for gracious living and entertaining with all main rooms having French doors to the ground. The large vestibule witnessed the reception of many guests. First impressions must have been awe-inspiring, with its niches for figural lamps and the back section top lit to reveal a gallery of large Chinese paintings in musk frames. The eastern rooms of the house were painted, while the formal, masculine spaces featured joinery of figured cedar from New South Wales. Imported from further afield were three marble mantle pieces and grates, solid rosewood furniture, exotic items of Far Eastern origin, a pair of 'Japanned' Chinese lacquer screens, and a sympiesometer (a rare land and sea barometer) made by Adie and Son of Edinburgh. The fine library contained 'the best new books of the day' which were sent out every year on special order from a firm of booksellers in London.[8] The huge original front door key and turned Blackwood handle that once held all the housekeeper's keys are in the possession of the present owner. Ratcliff considers the architect was James Thomson, a Scot transported for theft in 1824, and he links elements of the home's style to a house in Dalkeith Road, Edinburgh. That it has Scottish affinities is totally in keeping with Swanston's oft-shown favouritism for people and traditions Scottish. However, the present owner considers sufficient evidence exists to claim that the home was designed by the colonial architect John Lee Archer.[9] The adjacent two-storey stone warehouse with attics is believed to have been built later during the ownership of George Carter. Following a sub-

[6] E Ratcliff, *A Far Microcosm – Building and Architecture in Van Diemen's Land and Tasmania 1803 – 1914*, Vol 2, (Launceston, 2015), pp 768-769.
[7] Oakman, owner and architectural historian, *pers com,* 3 May 2015.
[8] WH Hudspeth, Draft, Notes and typescript 'The Rise and Fall of Captain Charles Swanston', RS 3/4 (4), UTA.
[9] Oakman, *pers com,* 3 May 2015.

division, the warehouse is now on a different title. Broughton's low wing, mostly timber and rendered rumble, was demolished in 1957.[10]

The single-storey sandstone home has long been held up as one of the finest villas in the colony. In the mid-nineteenth century it was a 'much-admired, splendid, commodious and most delightfully situated family mansion' with twenty-six apartments including dining-rooms, drawing rooms, library, breakfast parlour, numerous bedrooms, housekeeper's room, butler's pantry, bakehouse, scullery, bathroom, spacious kitchen, servants' rooms and numerous convenient 'out-offices'.[11] Colonial mansions such as this were considered large, although really were tiny in comparison with the stately homes of England. A distinguishing feature that marked out Swanston's residence from most other homes in the world at the time was that water was conveyed to every part of the premises, by means of a force pump.[12] No doubt the plumbing was to the design of Swanston, whose knowledge of engineering and interest in supplying water to the whole of Hobart Town is detailed in Chapter 5.

During the early days 'New Town Park' rang with activity, energy and new life. Three more children were born to Charles and Georgiana – Nowell, Rebecca, and Georgiana May (known as 'May'). There were frequent house guests and dinner parties and the hospitality was generous. The glittering New Year's Eve party on 31 December 1835, attended by Lieutenant-Governor Arthur and his entourage, may have been also a house-warming.[13]

With the assistance of free and bonded servants the estate flourished. Swanston's intention to establish a productive farm and garden and his passionate interest in horticulture is manifest in the inclusion of a gardener among the five servants brought out with his family in the *Thomas Lawrie*. The gardener, Martin Dowling (also known as

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[10] 'Swanston House and Stables, 37 Tower Road, New Town', *Australian Heritage Database*, http://www.environment.gov.au/cgi-bin/ahdb/search.pl?mode=place, accessed 28 August 2013; Ward, *Built by Seabrook*, p 58.

[11] *Courier*, 2 February 1850, p 1. A bedroom wing, possibly the 'dwelling house' advertised for rental in 1828 before Swanston's ownership, was demolished soon after the government obtained its ownership in the 1950s. The residence was known for a while as 'Swanston House', but is now again 'New Town Park', in acknowledgement of its landscape significance and because what remains is part of Swanston's original property.

[12] 'New Town Park' had a well in the back yard, Oakman, *pers com,* 3 May 2015.

[13] *Launceston Advertiser*, 7 January 1836, p 3. Small acceptance notes scattered among the *Derwent Bank Papers* reveal that many public figures, plus prominent visitors such as the explorers Ross and Crozier and New South Wales landowner James Macarthur, enjoyed the hospitality of 'New Town Park'.

Images 6 & 7: Swanston Family Residence ‘New Town Park’ in 2016. Courtesy Warwick Oakman.

Michael Dowling) did much planting on the estate.[14] Dowling's wife, Sarah, had the duties of housemaid and the Dowlings' eldest child, a daughter, was born at 'New Town Park' in December 1834.

The grounds of 'New Town Park' were landscaped to encompass extensive vineyards, orchards, shrubberies and vegetable and decorative gardens. The orchards contained 'luxuriant fruit trees of every variety' including filberts, almonds, figs, mulberries and walnuts'.[15] There were wine stores as well as a vinegar manufactory by the side of the creek. The estate was magnificent, and indeed, had consumed 'a vast outlay of money'.[16] Taking a turn around the garden was employed sometimes to informally discuss affairs of state. For example, the Colonial Secretary James Bicheno in July 1845 wrote that it would be a kindness if Swanston were to walk around the gardens with him the coming Sunday at twelve, but, he urged, 'pray, don't stay away from Church.'[17] Swanston exhibited his personal pride in the garden with gifts of seeds and flowers and invitations to people to wander through his grounds. One 'Thank You' note reads:

> My dear Captain Swanston A thousand thanks for the lovely flowers. I cannot express how much pleasure I have with them. I shall be delighted to avail myself of your kind offer and will take my little Daughters to see your beautiful Garden very soon. Believe me Very sincerely Yours Fanny Hart.[18]

In the early 1840s Swanston donated a plot of land from his estate to the Congregational Church and, while the architectural design for the church fronting New Town Road was being finalised by James Blackburn, Swanston was invited to the laying of the foundation stone in October 1842.[19]

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[14] J Paemaa, *Monaro Pioneers Newsletter*, No 3, 2013, p 26. http://www.monaropioneers.com/Newsletter/MP%20NEWSLETTER%20-%202013%203.htm. On return to England around 1837, Martin Dowling worked as a gardener at 'Holmwood', Oxfordshire, before the family migrated to New South Wales and became established on the Monaro.

[15] *Courier*, 2 February 1850, p 1.

[16] *Cornwall Chronicle*, 13 February 1850, p 100.

[17] Bicheno to Swanston, 4 July 1845, Box 34/6, *Derwent Bank Papers*, Tasmanian Archive and Heritage Office (hereafter TAHO). The purpose of Bicheno's proposed visit probably was to discuss politics, but it is worth noting that Bicheno shared Swanston's interest in horticulture, viticulture and literature. He was Secretary of the Linnaean Society and Fellow of the Royal Society before living in Van Diemen's Land, *Anon*, 'Bicheno, James Ebenezer (1785−1851)', *ADB*, Vol 1, (Melbourne, 1966), p 97.

[18] Hart to Swanston, undated, Box 24/10, *Derwent Bank Papers*, TAHO.

[19] Congregational Church Construction Committee to Swanston, Box 23/2, *Derwent Bank Papers*, TAHO.

Swanston's home still commands its vista over the Derwent, although the acreage has been reduced by suburban development.[20] A symbol of Swanston's status, it represents his hope for a solid base and life of ease in Van Diemen's Land.

Horticulture

Swanston was in the vanguard of the development of horticulture in Van Diemen's Land. His interest in the science of growing plants was widely known and exchanges of plants, seeds and cuttings were the currency of friendly relations with eminent and ordinary people throughout the known world. In an age of discovery, an exotic new specimen generated wide curiosity, not only for its potential commercial application, but for its contribution to science. Swanston was cognisant of how one science built on another and from his earliest days in the colony established his expertise in this field.

The time was ripe for a man of his interests. As documented by Michael Hoare, the late 1820s marked a flowering of interest in scientific inquiry and public education.[21] In 1830, the Mechanics' Institute, founded in 1827, was the focus of Hobart Town's intellectual and social life with a vigorous program of lectures on subjects ranging from astronomy to hydraulics.[22] The institute's object was moral enlightenment through the acquisition of useful and scientific knowledge and the voluntary association of mechanics and others.[23] The concept of moral enlightenment, developed especially by upholders of secular culture, held 'that everyone could, indeed must, become good, wise, prosperous, and responsible' and that older forms of control would become unnecessary when society was pursuing and achieving such a goal.[24]

In 1829, Dr John Henderson, a surgeon on leave from Bengal with interests in natural history, anthropology and political economy, recognised the opportunity to establish a

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[20] 'Swanston House (former "New Town Park")' is listed on the Tasmanian Heritage Register, http://heritage.tas.gov.au/Documents/THR%20as%20at5Jan2016.pdf, accessed 5 March 2016; and 'Swanston House and Stables' are included in the Australian Heritage Database (the non-statutory archive of the Register of the National Estate), http://www.environment.gov.au/cgi-bin/ahdb/search.pl, accessed 5 March 2016.
[21] M Hoare, 'Science and Scientific Associations in Eastern Australia, 1830–1890', PhD Thesis, Australian National University, 1974, pp 58, 59.
[22] *Ibid,* p 59.
[23] S Petrow, 'The Life and Death of the Hobart Town Mechanics' Institute 1827–1871', *Papers and Proceedings Tasmanian Historical Research Association*, Vol 40, No 1, 1993, pp 7-18; M Roe, *Quest for Authority in Eastern Australian 1835-1851*, (Kingsgrove, 1965), pp 1, 6, 147-157.
[24] Roe, *Quest for Authority*, p 6.

learned society in Hobart Town, modelled on the literary and scientific societies of Europe. One of its objectives was to reciprocate information with similar societies in Britain, France and India.[25] Henderson gained the lieutenant-governor's patronage and gathered together the town's gentry to form a philosophy society.[26] Henderson became president of the new society, with Arthur as patron, and the Chief Justice, Sir John Pedder, and the Colonial Secretary, John Burnett, vice-patrons. The Surveyor-General George Frankland and Swanston filled the positions of vice-presidents.[27] At the inaugural meeting of the society at the Court House on 16 January 1830, Henderson explained its functions as 'a scientific acquaintance with all that is connected with the soil, its productions and inhabitants'.[28] He foreshadowed the development of a museum and a botanical garden. Frankland advocated the benefits of scientific investigation in a new country for every man, not only for a 'particular class of men who are supposed to devote their time and minds solely to theoretical speculations, unconnected with practical advantages'.[29] That evening, at the formal dinner celebrating the establishment of the society, Swanston took the chair in the absence of the chief justice and the colonial secretary. Given that at this time Swanston was a visitor on leave from India, this honour indicated the status already accorded to him in Hobart Town.

Swanston rose to the occasion. In a pretty speech he expressed how the natural attributes of the colony had far exceeded his expectations and he concluded by wishing that

[25] *Colonial Times*, 18 December 1829, p 3.
[26] Known as the Philosophical Society of Van Diemen's Land or simply the Van Diemen's Land Society. One of the earliest learned societies in the colony, this society had a short life. Related associations again blossomed under the administration of Franklin, such as the Tasmanian Natural History Society and horticultural societies in both Launceston and Hobart Town. Interest fused with the establishment of the Botanical and Horticultural Society of Van Diemen's Land under Eardley-Wilmot in 1843. Queen Victoria became Patron in 1844 and the name was changed to the Royal Society of Van Diemen's Land for Horticulture, Botany and the Advancement of Science (now the Royal Society of Tasmania).
[27] *Colonial Times*, 18 December 1829, p 3
[28] *Hobart Town Courier*, 23 January 1830, p 4.
[29] *Ibid,* Frankland's speech contained forceful recognition of Aboriginal land ownership and his desire for the new society to become acquainted with Aboriginal people. The newspaper report quoted Frankland as saying: 'Science led to its [Van Diemen's Land's] discovery, but its discovery instead of bringing blessings in their train have heaped ruin and destruction upon those children of misfortune, the Aboriginal owners of the soil – a people naturally amiable and intelligent, who with better treatment on the part of those who have come in contact with them, might have been rendered valuable friends, and have continued a happy nation! However I should hope that there is yet time to restore that harmony which, but for the brutal inhumanity of white men, had never been broken: and surely no more glorious object could this Society propose to itself than that of acquiring to more intimate acquisition with this much wronged people, with a view to ameliorating their condition, and of saving them from being extirpated from the face of that earth on which the Almighty had placed them!'

'cordiality, unanimity and liberality' may ever reign throughout the island.[30] The Society's patron, the lieutenant-governor, went out of his way to welcome Swanston and to make the comment, quoted in Chapter 1, that he wished the colony were stocked with one hundred settlers such as Swanston, every year from India. Two months later Swanston gave a paper on horticulture to the society in which he amplified the benefits that a botanical garden – already promised by Arthur – could contribute to the island.[31] He argued that horticulture had major value for agriculture in that minute and accurate experiments conducted in the garden could augment and secure the profits of farming. He predicted that the proposed botanical garden, on a proper piece of ground, would be 'a synoptical table where the farmer would at one glance see a plant in all its relations, as affected by situation, particular exposures, different periods of sowing, and many other circumstances which could not be well be ascertained in the field'. Swanston said the garden would be useful to the interests of science, and contribute to the 'beautiful' in enabling settlers to acclimatise exotics from a warmer or colder climate, as had been done in India with respect to the more common culinary vegetables and fruit trees of Europe.

At 'New Town Park' the gardener, Martin Dowling, went to work planting apace. Swanston solicited seeds and cuttings for propagation and received many gifts from his correspondents throughout the Far East, India and New South Wales. Physician, banker and politician, Sir John Jamison, of the famed property 'Regentville' at Penrith, New South Wales,[32] was one of the first to send vine cuttings to help expand Swanston's vineyards.[33] Jamison selected from his best and hardiest vines and advised Swanston to graft them on to his old sweet water stocks a little underground. 'The graft here generally produces a moderate crop,' he said, 'its second year yields a profitable crop.' Jamison also provided useful information about pruning – delaying it until the cool season advanced sufficiently for the sap to descend – and promised to send Swanston 'two satisfactory cows' when a ship was identified to transport them.[34] The noted Scottish entomologist, collector and Colonial

[30] *Hobart Town Courier*, 23 January 1830, p 4.
[31] *Hobart Town Courier*, 27 March 1830, p 4.
[32] GP Walsh, 'Jamison, Sir John (1776–1844)', *Australian Dictionary of Biography*, (hereafter *ADB*), Vol 2, (Melbourne, 1967), p 10.
[33] Jamison to Swanston, 20 June 1833, Box 32/23, *Derwent Bank Papers*, TAHO.
[34] *Ibid.*

Secretary of New South Wales, (Sir) Alexander McLeay,[35] sent Swanston a box of plants in July 1833 with a note advising that he would always have great pleasure in forwarding Swanston anything that his garden produced.[36]

After moving from Hobart Town to Sydney in 1839, former Solicitor-General of Van Diemen's Land and later Chief Justice of New South Wales, (Sir) Alfred Stephen, sent regular contributions.[37] These ranged from a box of loquat plants to a white moss rose that could be propagated by layering, and the promise of an Indian Rubber Tree (according to Stephen, *Ficus elastic*). Stephen was in the habit of despatching such gifts to his father-in-law, Reverend William Bedford, so that Swanston would receive them free of charge, but after Bedford had taken his 'Tithes' out of them.[38] The parcels were accompanied by personal letters from Stephen, one in particular informing Swanston of moves afoot to make Port Phillip a separate government 'before the expiring of 1841'.[39] In the same letter Stephen bemoaned that he had seen no one in Sydney to compare with the people they had left behind in Hobart Town and expressed: 'please God, we hope yet (some day) to return'.

One of the more exotic species of seed Swanston received was from Dr William Dallas Bernard, later famed for his travels in China.[40] It was a lychee, and its description by Bernard conveyed the wonder of such discovery:

> One is the kernel of the fruit of the Laeches Tree, certainly the best native fruit of China. It is like all its fellows peculiar in its formation. The outside is a hard crisp husk, about the size of a mulberry, but quite round, but, if this is broken open, a white pulpy juicy fruit is found inside and in the centre of it the kernel.[41]

In Bernard's parcel were also seeds of the 'Tea Tree' and the 'Tallor tree' which furnished the Chinese candles, and 'acorns' of a little mountain shrub found on the barren sandy mountains of Chusan, which Bernard recommended would make an admirable hedge. While

[35] 'McLeay, Alexander (1767–1848)', *ADB*, Vol 2, (Melbourne, 1967), p 177.
[36] McLeay to Swanston, 6 July 1833, Box 11/5, *Derwent Bank Papers*, TAHO.
[37] M Rutledge, 'Stephen, Sir Alfred (1802–1894)', *ADB*, Vol 6, (Melbourne, 1976), p 180.
[38] Stephen to Swanston, 25 August 1840, Box 34/5; 14 December 1840, Box 40/1, *Derwent Bank Papers*, TAHO.
[39] Stephen to Swanston, 14 December 1840, Box 40/1, *Derwent Bank Papers*, TAHO.
[40] Dr Bernard was an Oxford graduate, subsequently internationally renowned for his studies on China and its people with his major work, *Narrative of the Voyages of the Nemesis*. Bernard had spent some time with Archer at 'Woolmers', Longford. and had been a partner in the Archer Gilles & Co Bank, https://archive.org/stream/narrativevoyage05hallgoog#page/n10/mode/2up, accessed 5 March 2016; TEG Archer, *Records of Archer, Gilles & Co Bank, Launceston 1840–1844*, A4, University of Tasmania Archives (hereafter UTA).
[41] Bernard to Swanston, 15 December 1842, Box 23/1, *Derwent Bank Papers*, TAHO.

in Launceston in 1842 Bernard had asked Swanston for an introduction to his contacts in the Far East prior to his visit to China.[42]

Bernard and Swanston shared interests in commercial and global affairs. In sending the seeds, Bernard told Swanston of his impressions of Hong Kong with its magnificent harbour, 'the most wonderful place for its age I ever saw, far exceeding any of our Australian Colonies'. 'All our transports and store ships are now lying there at ease. Close in shore, there is anchorage in every part for a line of battle ships', he foretold. Bernard predicted that 'the row at Canton last week' would give the place additional impetus and feared that trade with China, open to gambling speculation, would see fearful sums lost by different people while only a little be gained by a few. The opium question − indeed, all the questions in debate with China − were only just beginning to be unlocked. Bernard expressed his view that an abler man than Sir Henry Pottinger (then Administrator of Hong Kong) was required 'to control the tide of events, and direct their current for our national good.'[43] This particular letter also called Swanston's attention to the negative reputation Van Diemen's Land was acquiring internationally. Bernard wrote: 'I wish you could put a damper on that horrible VDL Press which in the eyes of all *Asia*, Europe, America (and I doubt not Africa) is condemning Van Diemen's Land to irreclaimable perdition'.[44]

Another traveller who added to Swanton's seed bank was the Reverend John Waterhouse, first Superintendent of the Wesleyan Mission to the Australian Colonies and South Seas, based in Hobart Town.[45] Returning from his second mission to the islands of the South Pacific in September 1841, Waterhouse presented Swanston with a variety of seeds from Feejee (Fiji) and Tonga, a root of arrowroot, cuttings of a yam root like kumara and a Feejeean basket for Georgiana containing a coconut to be planted leaving only quarter of an inch above ground.[46] No doubt this last fruit was one of the least successful experiments in Hobart Town's forty-two degrees South climate.

[42] Bernard to Swanston, 17 March 1842, Box 24/10, *Derwent Bank Papers*, TAHO.
[43] Bernard to Swanston, 15 December 1842, Box 23/1, *Derwent Bank Papers*, TAHO. Emphasis in original.
[44] *Ibid.*
[45] N Gunson, 'Waterhouse, Joseph (1828−1881)', *ADB*, Vol 6, (Melbourne, 1976), p 359; M Olsson, *The Waterhouse/Padman Family History*, (Brisbane, 1987), pp 43-44.
[46] J Waterhouse to Swanston, 25 September 1841, Box 34/2, *Derwent Bank Papers*, TAHO.

Swanston's father-in-law, Robert Sherson in London, was also on the mark, sending seeds selected by a 'celebrated seedsman' at Covent Gardens and from another at Cornhill.[47] Other seed stock and plants came from Norfolk Island via Captain Matthew Forster, from J Burke sending thousands of hop cuttings from the governor's and Mr Sharland's gardens at New Norfolk, and from RI Fisher with flower seeds from England.[48] James Pearson – an ex-Indian colleague establishing his garden in Sydney – pleaded that the smallest contribution from Swanston's garden would be repaid with a few American vegetable seeds.[49] Rev Bedford reminded Swanston to send the spreading cypresses he had promised, Bicheno called for some vine cuttings and in-laws Frederick and Caroline Forth sent tulip bulbs and requested vine cuttings and seeds of turnip and the 'everlasting cabbage'.[50] Swanston also received requests for weeping willows.[51]

In June 1847, a wistful Elizabeth Fenton of 'Fenton Forrest' offered Swanston a rose similar to the genuine Gazerpore rose that her husband told her Swanston was seeking.[52] Elizabeth said it was one that used to be called the Persian Rose and she likened its scent to the Galabad Paneer of India which, on turning warm in the air of her verandah, was almost oppressive with its scent. Penning the letter brought back memories to Elizabeth and indicates the regard she held for Swanston, not necessarily coinciding with the sharp observations about his character that she confided to her journal seventeen years earlier.[53] The Fentons had weathered the hardships of the depression. During difficult economic times they and other settlers established their leafy landscapes through a network of common interest and exchange.

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[47] Sherson to Swanston, 22 February 1839, Box 22/12, *Derwent Bank Papers*, TAHO.

[48] Forster to Swanston, dated only Saturday, Box 25/11, *Derwent Bank Papers*, TAHO; J Burke to Swanston, 6 September 1846, Box 25/7, *Derwent Bank Papers*, TAHO; RI Fisher to Swanston, 3 September 1841, Box 24/10, *Derwent Bank Papers*, TAHO.

[49] Pearson to Swanston, 5 May 1848, Box 32/11, *Derwent Bank Papers*, TAHO. Pearson also thanked Swanston for the dividend and the box he had just received (no mention of what the box contained) and suggests that he would make Swanston a 'good curry' for the trouble he had with the box.

[50] Bedford to Swanston, 5 November 1838, Box 30/2, *Derwent Bank Papers*, TAHO; Bicheno to Swanston, 3 July 1845, Box 25/3, *Derwent Bank Papers*, TAHO; Forth to Swanston, 25 March and 22 July 1839, Box 24/7, 25 March 1839, Box 26/1, *Derwent Bank Papers*, TAHO.

[51] Anstey to Swanston, 18 May 1840, Box 10/10, *Derwent Bank Papers*, TAHO.

[52] Fenton to Swanston, 19 June 1847, Box 25/8, *Derwent Bank Papers*, TAHO.

[53] Elizabeth's view of Swanston in 1830 was that he put self-interest ahead of every other consideration, E Fenton, *The Journal of Mrs Fenton 1826–1830: A Narrative of her life in India, the Isle of France (Mauritius), and Tasmania during the Years 1826–1830*, (London, 1901), pp 366-367. See Chapter 1 of this study. The extract from her letter referenced here is quoted in Chapter 2.

The general locality of New Town became known for its fine gardens. According to an anonymous nineteenth century chronicler, the interest in the science of horticulture held by New Town residents such as Swanston, Allport, Butler and others had created a friendly competition and 'greatly advanced the delightful art which they so earnestly cultivate'.[54] Still growing at 'New Town Park' is an Isabella Grape, now pruned as a hedge, and one of the oldest garden specimens of Bunya Pine *Araucaria bidwillii* anywhere in Australia.[55] In South Australia, at 'Highercombe', in South Australia − the estate of George Alexander Anstey founded in 1840 − cuttings from Swanston's vines produced among the first grapes in that colony. They were planted in double rows to form an arched bower the whole length of 'Highercombe's' extensive garden.[56] Cuttings from 'New Town Park' also began Victoria's historic vineyards. Anthony Walker surmises that the 'Berramongo' vineyard in the Geelong district, developed by prominent Swiss vigneron John Belperroud, was founded with cuttings from Swanston and from McArthur of Camden, New South Wales.[57]

Horticultural society

As demonstrated by the interest in the Van Diemen's Land Society in 1829−1830 and Swanston's paper on the value of horticulture, the time was ripe in the colony for the establishment of horticultural organisations. A great horticultural movement had already swept Britain, galvanised by the establishment of the Royal Horticultural Society in London by the renowned botanist, Sir Joseph Banks, and Director of the Royal Botanic Gardens at Kew, William Jackson Hooker. Hooker, also Regius Professor of Botany at the University of Glasgow, persuaded Van Diemen's Land botanist Ronald Campbell Gunn and Robert William Lawrence to collect Tasmanian plants for London herbariums and gardens.[58] The scientific society Swanston addressed in 1830 apparently had slipped into abeyance and it was not

[54] Correspondent, 'A Stroll to New Town', *Colonial Times*, 27 March 1849, p 3.
[55] W Oakman, *pers com*, 3 May 2015. Oakman states that after being discovered by botanist JC Bidwill in the Glasshouse Mountains of Queensland in 1843, seeds of the tree were sent around the world. He says an ancient almond tree, false acacias and periwinkle are other survivors from when earthmovers went through the site in the 1950s.
[56] *Courier*, 7 September 1841, p 1; Anstey to Swanston, 11 November 1841, Box 34/2, *Derwent Bank Papers*, TAHO. These vines were preceded only two years earlier by the cuttings planted at McLaren Vale. The wine company now promulgates this history with the issue of a Shiraz named '1838' described as 'ripe, rich and lavish', *McLaren Vale bottle label, 2015.*
[57] AC Walker, 'A History of the Tasmanian Wine Industry', MA thesis, University of Tasmania 2012, http://eprints.utas.edu.au/14809/2/whole-walker-thesis-2012.pdf, accessed 27 March 2015, p 51.
[58] 'Launceston Horticultural Society Collection', *CHS 14*, Queen Victoria Museum and Art Gallery, Launceston; TE Burns and JR Skemp, 'Gunn, Ronald Campbell (1808−1881),' *ADB*, Vol 1, (Melbourne, 1966), p 492.

until the late 1830s public interest was renewed. Eleanor Cave attributes the encouragement of Sir John and Lady Franklin to the establishment of a natural history society, the Tasmanian Society, in Hobart in October 1839.[59] Earlier the same year, the forming of a horticultural society in Hobart Town drew strong support in the local press. The *Colonial Times* noted the improvements in fruit, vegetables and flowers resulting from the establishment of the London Horticultural Society and offered space in its columns 'to advocate, and, if possible, extend' the work of the new society and the benefits of horticulture in the colony.[60] At the inaugural meeting, on 30 March 1839, Swanston accepted the office of president, and Gunn that of secretary.[61]

With great enthusiasm, the society organised its first exhibition to coincide with the second Anniversary Regatta in December 1839.[62] The Regatta, instigated by Franklin, commemorating the anniversary of the discovery of Van Diemen's Land by Abel Tasman, was intended to bring disparate sectors of the society together and for 'encouragement of our Seamen'.[63] The British rear-admiral knew the gladness of such events at home and, being a public holiday, upwards of 5,000 people attended. It was a good choice of date, both for exhilarating sailing conditions and an abundance of garden produce. Newspaper reports described the Horticultural Society's exhibition as 'indicating a taste and spirit of refinement for which our Spectator friends in England, who politely calls us 'wild beasts', would be loth[sic] to give us credit'.[64]

Sir John supported the Horticultural Society's objectives by offering 'The Franklin Cup', valued at £10, for the person who had forwarded, to the greatest extent, the interests of horticulture in the colony. Lady Jane offered a prize of £5 for the occupier of the neatest cottage and garden within five miles of Hobart Town.[65] Other prizes of the day also

[59] E Cave, 'Flora Tasmaniae: Tasmanian Naturalists and Imperial Botany', 1829–1860, PhD Thesis, University of Tasmania, 2012, p 186-192.
[60] *Colonial Times*, 26 March 1839, p 4.
[61] *Colonial Times*, 2 April 1839, p 1. Cave notes that Gunn had moved from Launceston to Hobart Town to be private secretary to Franklin and subsequently bemoaned that long hours of duty reduced his time for botanising, Cave, *'Flora Tasmaniae'*, pp 205-206. Possibly it was due to Gunn's workload that Mr W Perry came to share the position of secretary of the Horticultural Society with Gunn later the same year, *Hobart Town Courier and Van Diemen's Land Gazette,* 15 November 1839, p 1.
[62] *Hobart Town Courier and Van Diemen's Land Gazette*, 15 November 1839, p 1.
[63] *Hobart Town Courier*, 16 November 1838, p 2.
[64] *The Hobart Town Courier and Van Diemen's Land Gazette*, 6 December 1839, p 2.
[65] *Ibid*, 15 November 1839, p 1. The presentation of the Franklin Cup and Lady Franklin Prize were held over until the Society's mid-summer exhibition in January 1840. The prizes went respectively to George Grant of

attracted many entries. The worthy president captured prizes for his silver-skinned potatoes, red Cork potatoes, 'last season's apples in the best state of preservation (green French Crab Apples)' and the 'best strawberries (Carolines)'.[66] At the second exhibition in January 1840 Swanston's prize winning exhibits included mulberries, walnuts, rhubarb and pumpkin, as well as bouquets of dahlias and hydrangeas.[67] Other entries came from leading citizens such as Forster, the Hon H Elliot and Messrs WM Orr, T Horne, WH Breton, C Abbott, J Walker, J Swan, G Wilson, James Wilson, H Lipscombe, Tobin, Watchorn, and H Lipscombe (gardener to Mr Dobson). Swanston's sample of tobacco grown on his estate 'Glen Ayr', near Richmond, won the Horticultural Medal in the 1849 exhibition.[68] In that same year a prize was presented by Joseph Allport to Frederick Lipscombe as the grower who had 'imported the greatest number of plants during the year', demonstrating the large significance attached to acclimatisation in the era.[69]

Swanston's enthusiasm for horticulture continued through his membership of the Botanical and Horticultural Society of Van Diemen's Land, formed under Eardley-Wilmot in 1843. The lieutenant-governor held the position of president while Swanston became one of four vice-presidents – along with Sir John Pedder, Rev John Lillie, and the Colonial Secretary James Bicheno.[70] In 1844, the organisation received the patronage of Queen Victoria and became the Royal Society of Van Diemen's Land for Horticulture, Botany and the Advancement of Science (now the Royal Society of Tasmania).[71] Swanston held the position of vice-president, as well as that of treasurer, for the remainder of his days in the colony.

Swanston's keen interest in horticulture, expressed in the paper to the Van Diemen's Land Society in 1830, had a dual foundation. Horticulture was a science he had come to understand during his childhood on his father's farm at Berwick-upon-Tweed and had witnessed its advantages with the introduction of European fruit, vegetables, trees and

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Argyle Street and Rebecca Stewart of Collins Street, *Hobart Town Courier and Van Diemen's Land Gazette*, 31 January 1840, p 3.

[66] *Ibid*, p 3.

[67] *Hobart Town Courier and Van Diemen's Land Gazette*, 31 January 1840, p 3.

[68] *Courier*, 5 December 1849, p 2.

[69] *Ibid.*

[70] *Rules of the Botanical and Horticultural Society of Van Diemen's Land*, (Hobart, 1843), Royal Society Collection, C7/111(a), UTA. The Rules also spelt out the responsibility of the Society to manage a portion of the garden in the Government Domain which later became the Royal Tasmanian Botanical Gardens.

[71] *Ibid.*

crops to India. Produce from vineyards and orchards and crops like flax – the plants he concentrated on at 'New Town Park' – also had the potential to earn money.

Image 8: The giant Bunya Pine *Araucaria bidwillii* in the grounds of 'New Town Park', believed to be one of the oldest garden plantings of its species. Photo Eleanor Robin

Viticulture

As mentioned in Chapter 1, Swanston inherited a well-established vineyard when he purchased his property at New Town. The vines, planted by previous owner Bartholomew Broughton, had been producing saleable wine from around 1827.[72] While this was the colony's first major private vineyard, Anthony Walker has pointed out that it might have been anticipated by the government garden at York Town on Port Dalrymple, planted by Colonel William Paterson in 1805, or the government garden established in Launceston circa 1810. Certainly by 1843 the Launceston Horticultural Society tended a small plantation of about twenty-six varieties of vine.[73] Walker also records that wine-making received vice-

[72] *Colonial Times*, 9 February 1927, p 3.
[73] Walker, 'History of the Tasmanian Wine Industry', pp 42-43.

regal encouragement with Franklin offering a reward 'to the person who shall have made the finest wine (not less than one hogshead) from grapes, the growth of the colony'.[74] It is not known if Swanston was a contender for the prize, but by July 1841 he was pleased with his yield. WELH Crowther cited Swanston as writing:

> I have discovered that my vineyards are likely to turn out more valuable than I expected. Last year I made twenty hogsheads of wine. This year I hope to make thirty and in five or six years it will I should think yield perhaps one hundred. For the whole I have declined an offer of £10 a hogshead. The red I value at twice this sum, a good revenue in a few years from my garden.[75]

In Spring 1843 Swanston received a selection of vine cuttings of black grapes from the Superintendent of the Botanic Garden in Sydney, Nasmith Robertson, together with a printed catalogue.[76] Renewing his stock, experimenting with hardier and earlier ripening grapes, and employing a viticulturist, Francis Payne (also spelt Pain), brought further success. The attention Swanston paid to the cultivation of grapes was 'a subject of general notoriety'.[77] An observer drooled:

> Champagne, pink and pale, sparkling and delicious, and infinitely superior to the meretricious, but insinuating compound, imported under this designation, has been produced to an extent which will not suffice for our own consumption of this alluring beverage, but will enable the manufacturer to spare a good portion for our neighbours. Good, fragrant, and purely fermented claret is also manufactured in a manner highly creditable to Mr Payne. … If we must have champagne and claret, let us, in all reason and good fellowship, obtain it from our friends and neighbours…[78]

By this time Swanston had set up a cooperage to make the casks and vats for his vines and was producing liqueurs and vinegar. A sale of Swanston's wines and liqueurs at the Exchange Mart in November 1848 was a great success, attracting the town's connoisseurs and several licensed victuallers. Good prices were obtained for sherry, cider champagne, Tasmanian champagne and 'gold cordial', mocha and ratifie and raspberry vinegar.[79]

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[74] *Hobart Town Courier and Van Diemen's Land Advertiser*, 12 July 1839, p 4, as quoted by Walker, 'History of the Tasmanian Wine Industry', p 42.
[75] Transcription of a letter of Swanston's quoted by WEHL Crowther in 'Two Early Tasmanian Homesteads Concerned with the First Settlement of Australia Felix (now Victoria)', *Tasmanian Education Magazine*, Vol 15, No 1, May 1962, pp 5-9. Swanston's document may have been found by Sir William Crowther in the *Derwent Bank Papers*, but has not been located during this research.
[76] Letter Robertson to Swanston, 14 September 1843, Box 3/4, *Derwent Bank Papers*, TAHO.
[77] *Colonial Times,* 22 September 1848, p 2.
[78] *Ibid.*
[79] *Courier*, 4 November, 1848, p 2.

In 1849 Swanston brought two female vignerons from Switzerland with the expectation that if they were successful many more of their countrywomen would emigrate.[80] This initiative was one of his last in Van Diemen's Land, compounding the sombre fact that, just as all his investment at 'New Town Park' was starting to reap profit, his weighty obligations to the Derwent Bank brought him down. The son of a share-farmer in the border country of the United Kingdom had created his dream estate in the antipodes. 'New Town Park' had become a productive estate with his vines producing commercial quantities and a plantation of flax in production. A wider hope, expressed in the media, was that these two productions would obviate the importation of a large amount of foreign merchandise.[81] Other aspects of Swanston's affairs were not going well and he sailed away for the last time in January 1850.[82]

Architecture, surveying, and work with James Blackburn

In better times, Swanston had fostered a creative professional association with the civil engineer, architect and surveyor James Blackburn. Blackburn's letters to Swanston exhibit a mutual respect and understanding. Blackburn, considered today as one of the most original designers Australia has seen, had arrived as a convict in Van Diemen's Land in 1835 after being found guilty of forging a cheque for £600 in the name of his employers.[83] His skills led to his employment with the Department of Roads and Bridges, initially under Roderic O'Connor and then under Alexander Cheyne (1836−39), before being granted a free pardon in May 1841. How Swanston and Blackburn met is not clear: it could have been through O'Connor, through Scottish architect James Thomson (also a convict), or through Swanston's brother-in-law, Captain Frederick Forth, Superintendent of Roads in a period of major road, bridge and other infrastructure development involving Blackburn.

The full potential of the Blackburn/Swanston association was not realised. As discussed in Chapter 5, their meticulously-designed plan for a water supply for Hobart Town in the early

[80] *Cornwall Chronicle*, 9 May 1849, p 563.
[81] *Colonial Times*, 22 September 1848, p 2.
[82] As mentioned in Chapter 2, 'New Town Park' was divided into several lots and auctioned in February 1850, realising only £3,000, 'the sum far short of the real value of the property', *Cornwall Chronicle*, 13 February 1850, p 100.
[83] M Lewis, 'Architecture from Colonial Origins', Australian Heritage Commission, *The Heritage of Australia*, (Melbourne, 1981), p 71; H Preston, 'Blackburn, James (1803−1854', *ADB*, Vol 1, (Melbourne, 1966), pp 109-110.

1840s was put on hold pending revision before being scrapped altogether due to economic stringency. The plan that they both worked on for Government House on the Domain went through such modification over a period of some thirteen years that it is difficult to know who to credit for which aspects of the final building. The considered input of both men influenced the final design and some background to the design process is provided here because Swanston's contribution is overlooked in most other histories.

Plans for the building, presumably by Blackburn, were tabled in the Legislative Council in the Estimates for 1841 against a cost of £4,000 to commence building and a total cost of £12,000.[84] Both Sir John and his lady were equally keen to get the building up. Sir John told council that the present residence was 'not only in a very insecure and dilapidated state', but that the cost of annually repairing it was considerable and the land on which it stood could eventually produce a sum of £50,000.[85] When the matter was raised again in the Legislative Council on 3 September 1841, the council resolved that the selection of the final plan, out of three presented, should be left to the lieutenant-governor with the understanding that the total amount should not exceed £12,000.[86] Lady Franklin's enthusiasm for a new abode led her to write to her father a few days later that the new Government House would be 'very handsome' as the sum voted it in council would be worth double 'as the stone is Government property and the labour is convict labour'.[87] The same day she asked her sister, Mary Simpkinson, to send out some works on architecture or elevations of houses and palaces, expressing a preference for 'the Grecian or Italian style in good taste.'[88]

Eager to get the project underway, the foundation stone was laid by Sir John on 5 November 1840. According to the *Colonial Times*, the event was kept 'snug' from the public and got up to impress Captains James Ross and Francis Crozier of the ships *Erebus* and *Terror* visiting

[84] *Hobart Town Courier and Van Diemen's Land Gazette*, 28 August 1840, pp 1-2.
[85] The newspaper quoted Franklin as saying 'the improvements now carrying on, by cutting the hill away on which the present [Government] house stands, and filling up Sullivan's cove, are expected, at a moderate estimate, eventually to produce a sum of £50,000 to Local Revenue, and at the same time to provide that accommodation for Shipping which a steadily increasing commerce renders necessary', *Hobart Town Courier and Van Diemen's Land Gazette*, 28 August 1840, pp 1-2.
[86] *Cornwall Chronicle*, 5 September 1840, p 5.
[87] Jane Franklin to her father, Mr Griffin, 7 September 1840, *Some Private Correspondence of Sir John and Lady Jane Franklin (Tasmania, 1837–1845*) ed. G Mackaness, Part 1, (Sydney, 1947), p 101.
[88] Jane Franklin to Mrs Simpkinson, 7 September 1840, Mackaness, *Some Private Correspondence,* p 102.

Hobart Town on their scientific expedition to the Antarctic.[89] Blackburn's plan for a Gothic style building with tower, turrets and castellated parapets appears to have been tentatively approved by this time. But a year later, Lady Franklin was still searching for design concepts and asked her sister to send out details of French works, particularly that of Jean Nicolas Louis Durand's public and domestic architecture. She supported the idea of encouraging Sir John's nephew-by-marriage, William Porden Kay, to apply for the position of Director General of Roads and Bridges and Public Works vacated by the recently-suspended Captain Cheyne.[90]

Sir John was anxious to get the project moving. On the last day of the year, he asked Swanston to call upon him regarding the drawings.[91] As a result of this meeting Swanston worked with Blackburn, in his own words, 'to mature the Design'.[92] A draft letter in Swanston's handwriting to Sir John contains five salient points about the proposed new vice-regal residence. These points appear to have covered a more substantial document, perhaps a design or drawing. They reveal Swanston's thoroughness, as well as his prescience about the future needs of the colony's governor. Swanston advocated a design incorporating three separate purposes – public spaces (including a Ball Room and other rooms in which 'fetes can be held'), offices for the transaction of state business and the customary apartments of a first-rate gentlemen's residence. As to siting, he supported the proposed situation because it commanded a view of the harbour and would be seen as a 'noble object' both from the harbour and its entrance.[93] Also, typical of Swanston's interest in horticulture, he said the garden front would be screened as far as practical from the prevailing winds and the aspect of the principal fronts were most favourable for light and sun. Malcolm Ward confirms that Blackburn submitted a fresh set of designs in December 1841 making provision for the three distinct purposes as defined by Swanston.[94] Swanston suggested some reduction in size, but at the same time argued that as the intended building

[89] *Colonial Times*, 17 November 1840, p 5. Two days later, with a similar audience, Franklin laid the foundation stone for his new college at New Norfolk.
[90] Jane Franklin to Mary Simpkinson, 12 October 1841, *Some Private Correspondence of Sir John and Lady Jane Franklin (Tasmania, 1837–1845*) ed. G Mackaness, Part 2, p 55.
[91] Franklin to Charles Swanston, 31 December 1841, *Letters from Sir John and Lady Franklin to Charles Swanston*, CRO.P 920. FRA, State Library of Tasmania.
[92] Swanston, 'Draft Memorandum submitted for the perusal of His Excellency Sir John Franklin on the building now erecting on the site chosen for the new Government House', Box 23/2, *Derwent Bank Papers*, TAHO.
[93] *Ibid.*
[94] Ward, *Built by Seabrook, p 58.*

was calculated to last for centuries, it was better 'an excess of size be now attained' and that an edifice constructed on original design was preferable to one produced by a variety of extensions.[95]

Swanston's draft points show the expenditure authorised for the building in 1842 was £14,500.[96] The labour component of this cost was to be only £3,000 because most of it was to be provided from the probation prisoners who cost the colony nothing. With such cheap labour, the main costs were to be for articles that could not be obtained or manufactured in the colony, such as 'Cedar, Lead, Slates, Glass, Ironmongery etc'. Swanston claimed cutters and builders could be made from the gangs 'in any number' and there was no want of other mechanics in the various probation parties. He summarised: 'No circumstances could be more favourable to the progress of a great work, and there appears therefore the less necessity for the exercise of an economy of space which in other circumstances would be extremely proper.'[97]

Swanston's draft is undated but, given that Franklin's request for the meeting was dated 31 December 1841, this would have occurred in the build-up to the crisis of January 1842 when Franklin suspended Montagu from office. The well-known friendship between Montagu and Swanston no doubt shook Franklin's trust in Swanston, and Swanston does not appear to be involved in the plans for the new government house from this time onward.

Work on the grand design began in Autumn 1842, but was halted in November, apparently on the orders of London authorities who were piqued that the building had been started before they had granted permission.[98] William Kay, who arrived in the colony under his uncle Franklin's patronage in May 1842, was commissioned to revise plans, but these also became controversial.[99] The sudden preference for Kay's drawings was a puzzle to James Blackburn. He complained to Swanston that the difference in expense between his design and Kay's was 'by no means so great as has been represented'.[100] Blackburn requested that the two designs should be compared with a view relative size. This did not happen and all

[95] Swanston, 'Draft Memorandum', Box 23/2, *Derwent Bank Papers*, TAHO.
[96] *Ibid.*
[97] *Ibid.*
[98] E Ratcliff, *A Far Microcosm*, Vol 2, (Launceston, 2015) pp 904 – 907; Australian Heritage Commission, *The Heritage of Australia*, p 7/51.
[99] H Preston, 'Kay, William Porden (1809−1897)', *ADB*, Vol 2, (Melbourne, 1967), p 34.
[100] Blackburn to Swanston, undated, Box 25/4, *Derwent Bank Papers*, TAHO.

plans were shelved for another twelve years. By the time the project was resurrected, under Lieutenant-Governor Sir William Denison, a military engineer, both Blackburn and Swanston were completely out of the scene.[101] Eric Ratcliff records how Denison resolved to make as much use of the existing work on the site as would permit and, in keeping with Denison's interest in construction projects, he was closely involved in the new building.[102] Ratcliff surmises that the architectural features of government house are probably from Kay, some aspects of the plan are from Blackburn reduced by Swanston, and greatly modified and curtailed by Denison. By the time Denison had the building constructed between 1855 and 1858, transportation had ended and labour was no longer free, but expense no longer appeared at issue.

As discussed in Chapter 4, Blackburn and Swanston's joint plans for a water works for Hobart were also halted in 1842 and the contract slipped through their fingers. The association between Swanston and Blackburn continued throughout the decade, with Swanston putting various projects in Blackburn's direction, and helping to keep him economically viable. Blackburn designed the home of Swanston's son-in-law, Edward Willis, and daughter, Kate, in Geelong, built by William Heath in 1843 at a cost of around one hundred and forty pounds.[103] Blackburn was responsible for finding all the native timber for the project and for making and sending over the mantle-pieces and double front door.

Swanston's regard for Blackburn's skills was sufficiently high for him to encourage his twin son, William Oliver Swanston (1826−1908) take up an apprenticeship with Blackburn. Oliver, as the youth was known, spent at least two years with Blackburn in the north of the colony assisting the surveying for various developments, including the Launceston water works. Blackburn was full of praise, writing that Oliver was fully occupied in mastering the art of surveying and mapping and had just produced a survey over a tortuous section of ground which would be highly credible to a much older hand. 'Indeed I do not see that I could have done it better myself,' Blackburn enthused, adding that Oliver was 'industrious and very anxious to succeed.' As to his conduct and manners, Blackburn wrote: 'they are such as

[101] CH Currey, 'Denison, Sir William (1804−1871), *ADB,* Vol 4, (Melbourne, 1972), p 46.
[102] Ratcliff, *A Far Microcosm*, pp 906-907. 'Government House and Outbuildings' have been described as Gothic Revival style and as 'an example to the rest of the world of the very best of Australian architecture', Australian Heritage Commission, *The Heritage of Australia*, p 7/51-2.
[103] Edward Willis to James Blackburn, 14 March 1843, Box 4/25, *Derwent Bank Papers*, TAHO.

excite my admiration and esteem; I never met with a young man of his age who gives promise of the best kind'.[104] These comments must have gladdened the heart of the old soldier who, as a young lieutenant in 1812, had been rewarded by His Royal Highness the Duke of York for his military survey of Mauritius and recommended to the Court of Directors of the East India Company.[105]

As the depression continued, by 1844 James Blackburn was having monetary problems and turned to Swanston – his largest creditor – for assistance.[106] The outcome was Swanston relieved him of his land west of Swanston's at New Town, including a building and fencing, while Blackburn retained another lot at New Town 'bought off Yoland'. Blackburn said that his wife intended to purchase this land from him once she received the proceeds of her property in England.[107]

In March 1845 an embarrassed Rachel Blackburn returned three bills to Swanston that he had discounted and agreed to a plan proposed by Swanston for having a lien over the couple's sheep, rather than forcing the sale of them which would have jeopardised the future of their flocks.[108] A long letter from James Blackburn pinned inside his wife's missive, explained the couple's financial affairs and included:

> Both Mrs Blackburn and myself were prepared to sell the sheep to pay you the £150 due on the English bills but since you have been kind enough to consent to take security on them instead of selling them I feel that you have thereby conferred on us a great benefit and I am bound to be very thankful to you. I am indeed so much more than I can express.[109]

Swanston continued to provide at least moral support to Blackburn. Between 1846 and 1849 Blackburn and Thomson built the Bridgewater Bridge, planned in 1840−41, but bogged down by protracted negotiations for almost five years.[110] Soon after finishing the bridge, Blackburn sailed for Melbourne, where he set up practise as engineer and architect, providing the State of Victoria, as well as Tasmania, with lasting examples of his talent.

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[104] Blackburn to Swanston, 13 August 1843, Box 25/4, *Derwent Bank Papers*, TAHO.
[105] Anon, *Statement of Services*, London, 1891, p 4.
[106] Blackburn to Swanston, 21 September 1844 & 9 October 1844, Box 25/4, *Derwent Bank Papers*, TAHO.
[107] Blackburn to Swanston, 16 October 1844, Box 25/4, *Derwent Bank Papers*, TAHO.
[108] Rachel Blackburn to Swanston, 31 March 1845, Box 25/4, *Derwent Bank Papers*, TAHO.
[109] *Ibid.*
[110] Preston, 'Blackman, James (1803−1854)'.

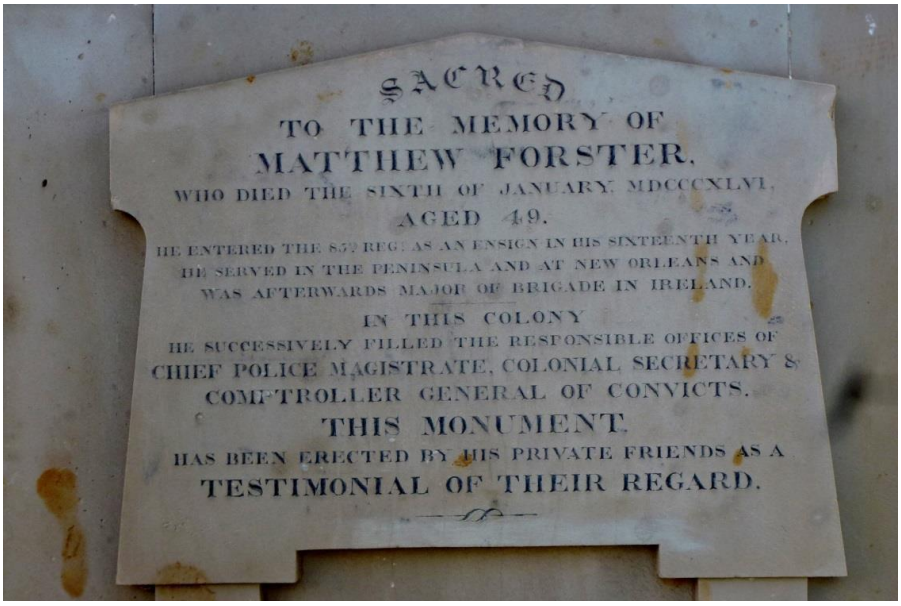
One of the last small tasks Blackburn undertook in Van Diemen's Land was at Swanston's instigation – the imposing sandstone obelisk over the grave of Captain Matthew Forster in St John's Cemetery, New Town, towards which Swanston had raised subscriptions.[111] Today the monument stands sentinel in a peaceful grassed area once scattered with many headstones. Eric Ratcliff describes the design as 'an elegant Greek revival piece', but his calculated guess that it was designed by James Thomson is not correct.[112]

Education and civic affairs

One duty Swanston struggled under for almost a decade was as committee man, then a guardian, of the Orphan School at New Town.[113] He was frequently distressed by the treatment of the children, and bothered by people writing to him requesting him to send them a trustworthy servant. For example, his cousin, Jane Jefferys, (married to Arthur Smith of 'Beaufront', Ross), full of apologies for 'plaguing' Swanston about her domestic concerns, asked him for a girl as soon as possible.[114] 'My female Servant is leaving me and I cannot bear the idea of the young girl I have now (from the Orphan School) being the only female in the house with a convict,' Jane wrote. 'I have written to Mr Ewing but as I know he will ask your consent I thought it better to lay the case before your worship and trusting you will take Martha's morals into your kind consideration.'[115]

In 1836 Swanston brought the mismanagement of the Orphan School to the attention of the Legislative Council and subsequently resigned from the school's committee in frustration.[116] However, in 1839 he accepted the appointment as a guardian under new legislation.[117] Further trouble soon arose as a young inmate, John Taylor, ran to Swanston after being badly beaten by a man to whom he was apprenticed.[118] Long investigation revealed that the lad, having neglected to place a plate in its proper position, received a very severe beating

[111] Blackburn to Swanston, 1 September 1846, Box 25/4, *Derwent Bank Papers*, TAHO.
[112] Ratcliff, *A Far Microcosm,* p 1700.
[113] Kim Pearce records that children admitted were entirely destitute, had one parent living or had parents who could not afford their education. K Pearce, 'Orphan Schools', *The Companion to Tasmanian History, ed.* A Alexander, (Hobart, 2005), p 260.
[114] JJ Smith to Swanston, 2 November (no year), Box 24/7, *Derwent Bank Papers*, TAHO.
[115] *Ibid.*
[116] Anstey to Swanston, 25 April 1836, Box 32/9, *Derwent Bank Papers*, TAHO.
[117] Anstey to Swanston, 1 March 1839, *Derwent Bank Papers*, Box 23/2, TAHO. The legislation was an Act for apprenticing the Children of the Queen's Orphan School, proclaimed in January 1839.
[118] *Colonial Times*, 27 December 1842, p 3. Mr Lock was identified as 'a gentleman from India.'



Images 8 & 9: *Above* Memorial obelisk to Captain Matthew Forster, arranged by Charles Swanston and designed by James Blackburn, at St John's Cemetery, New Town. *Below* Memorial plaque. Photos Eleanor Robin

from a Mr Lock. The lad's back and arms were one continuous mass of bruises. The newspaper reported that Lock seemed to think the chastisement he had inflicted was only 'a necessary coercion'. 'Captain Swanston loudly expressed his astonishment and regret at the severe punishment which had been administered,' the newspaper reported. 'The magistrates, however, are not empowered to remove an Orphan School apprentice from his service without the consent of the guardians; all their worships could, therefore, do, in the present instances, was to dismiss Lock's complaint; and he retired with Captain Swanston, who, we hope, will stipulate for not quite so much "necessary coercion" on the part of Lock.'[119] Conditions at the orphanage did not improve and in November 1843 Swanston relinquished the position of guardian. He complained to Colonial Secretary Bicheno that the Government had been neglecting the orphan school for some years past:

> I have had but little satisfaction in my connection with the Schools and I acknowledge that over the last two years I have declined visiting them – constituted as the Schools at present are they have neither realised the hopes or the expectations of their foundation beyond that of being an asylum to the unfortunate children. The children are fed well and clothed well but they are not educated as they should be, nor are they trained up as they ought to be to become in after life useful members of Society. In giving this my opinion it must be distinctly understood I do not attach the smallest degree of blame to the present Head Master of the Institution. On the contrary he has done all that he could do. The whole system is bad. It requires remodelling and reorganising.[120]

This frustration surely was compounded by Swanston's deep commitment to the value of education.

In June 1841 Swanston became treasurer of the committee, chaired by Chief Justice Sir John Pedder, established to raise funds for the Hutchins Memorial, the building of a school to commemorate the life of Church of England Archdeacon, the Reverend William Hutchins who died suddenly on 4 June 1841.[121] Others elected to the committee included Forster and Montagu, both men who were to be blamed for the failure of Franklin's Queen's School and Christ's College schemes. Swanston too had opposed Franklin's schemes, stating in the Legislative Council that such institutions should be sited in Hobart Town or Launceston where students would have 'free access to the churches of their respective dominations'.[122]

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[119] *Ibid.*
[120] Swanston to Bicheno, 2 November 1843, draft, Box 21/3, *Derwent Bank Papers*, TAHO.
[121] G Stephens, *The Hutchins School Macquarie Street Years 1846–1965*, (Melbourne, 1979), p 31.
[122] Legislative Council *Votes and Proceedings 1837–1842*, 18 August 1841, pp 206, 211.

Roe has explained that prominent thinkers of the time considered that non-denominational education would help dissolve disharmony and political division.[123] Denominational schools were out of favour because they not only encouraged sectarian feeling, but made the provision of an all-embracing system far more difficult.[124] The matter of church schools was contentious, but respect for the archdeacon was high and even Anstey, a tad sceptical of the project, agreed to collect contributions, telling Swanston:

> Something in the shape of Apotheosis may fairly be accorded to such a man [Hutchins], but, bless my soul, how will they raise such a sum sufficient for the founding and carrying on the "Archdeacon Hutchins School"!! An Institution of Charity, or, if it must be something germane to learning, enough might have been voluntarily raised for the founding of a Scholarship or two at the future University. I wish you would give me your opinion tomorrow. I have presented it to a few, and they say they would contribute a penny to the present purpose.[125]

The initial subscription was £404/5/-.[126] Contrary to Anstey's reservations, the Hutchins School officially opened in 1846, under the auspices of the Church of England in its magnificent sandstone edifice in Macquarie Street. It continues today, in more contemporary premises, as a private school for boys in Hobart.

In fact, from the time of Swanston's arrival in Hobart Town until his departure in January 1850, there were few major events that his presence did not grace, nor major enterprises that did not call on his patronage. He was involved with the Mechanics' Institute in Hobart in 1839, around the time it was flourishing under Presbyterian minister, the Reverend John Lillie, and was still a card-carrying member and one of nine vice-presidents in 1847.[127] Stefan Petrow's examination of the lifespan of the organisation indicates that the founders of the institutes in both Launceston and Hobart were 'high-minded and sincere' in their belief that impacting scientific and other useful knowledge in mechanics would benefit the economy, unite the classes and direct the energies of mechanics to moral ends.[128]

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[123] Roe, *Quest for Authority ,* pp 150-152.
[124] *Ibid.*
[125] Anstey to Swanston, 21 June 1841, Box 32/14, *Derwent Bank Papers*, TAHO.
[126] Stephens, *The Hutchins School,* p 31.
[127] *Courier*, 10 February 1847, p 2. Swanston's membership Card, No 40, provided access to the Institute's library and lectures, Box 33/1, *Derwent Bank Papers,* TAHO.
[128] Petrow, 'The Life and Death', p 15. Petrow records the interest of the Hobart Town mechanics waned by 1871, undoubtedly due to the exclusivity and paternalism that had characterised its operation. By that date, many changes in the society had been wrought, and Charles Swanston had been gone more than two decades.

As befitting a merchant statesman, Swanston's energies were not simply devoted to politics, trade and commerce. Both in his legislative role and in his strong personal commitment to education and the acquisition of knowledge, he contributed to the general advancement of the society. His active membership of organisations like the Horticultural Society, the Royal Society and the Mechanics Institute added respectability, encouraged others to also participate and gained respect for him in the wider community. His taste and style, coupled with the investment of capital, helped support creative talent and added to what John West might have called 'the social improvement of the country.'[129]

[129] West, *History of Tasmania*, Vol 1, p 83.

CHAPTER 8: CONFRONTING THE LINGERING ASPERSIONS

> The dignity and independence based on landed wealth, are ever the chief allurement of the emigrant. Whatever his rank, he dreams of the day when he shall dwell in a mansion planned by himself; survey a wide and verdant landscape called after his name; and sit beneath the vineyard his own hands planted. To this common ambition the crown directed its appeals: acres, by hundreds and thousands, were offered for acceptance. The imagination of English readers overleaped a tedious interval of labour and disappointment. The generous impulse silenced the voice of fear and distrust: they took a last look at the sepulchres of their fathers, and came forth to establish their children among the founders of nations.[1]

Charles Swanston was never a transient in Van Diemen's Land. All evidence points to his desire to establish a future for his family there. He showed no desire to return to England. He was conscious of being a British subject and loyal to the Crown, but his long absence from his birthplace, combined with his youthful experience in India and the fact that his parents and all siblings had died by 1845 meant his emotional ties to his homeland had faded. He knew himself as a self-made man, confirmed by his influence and opulence in the colony.

Between quitting the Legislative Council in August 1848 and the Derwent Bank in September 1849, he continued his search for new commercial opportunities. Whether through desperation, illness or blind optimism he took enormous risks, less well calculated than in his earlier days. The gold rush in California stimulated his final desperate venture. His life ended like a tragic opera with a mysterious death at sea and no treasure.

This chapter assesses Swanston's achievements against his own ambition, compares him with a handful of prominent contemporaries and includes a commentary on the observations about Swanston of some noted nineteenth, twentieth and twenty-first century writers.

Desperation or blind optimism?

One of Swanston's major motivations was to educate his children and see them settled, particularly to establish his five sons on their course in life. In 1839 he had sent his two elder

[1] J West, *History of Tasmania*, Vol 1, (Launceston, 1852), p 134.

sons, Charles Lambert Swanston and Robert Sherson Swanston (nicknamed Bob), to England to finish their schooling. Under arrangements made by their maternal grandfather, Robert Sherson, the boys attended Bibbesworth Manor House at Finchley, an institution that provided qualifications for the East India Company and 'higher departments of mercantile life'.[2] Letters to friends in Van Diemen's Land show that they quickly adopted the ways of English gentlemen, exemplified by Charles two weeks after his sixteenth birthday requesting one of the sons of George Meredith of 'Cambria' on the east coast to address letters via Mr Sherson at 23 Nottingham Place and: 'only mind that there must be an Esquire at the end of my name'.[3] After finishing their overseas education with six months in Europe, both lads were 'in a hurry' to return home.[4] Their grandfather and Swanston's friend, William Oliver – both former civilians in the East India Company – independently advised Swanston that the lads could do better for themselves than following their father's footsteps to India.[5] This advice came as a relief to Swanston who admitted being tired of work, fretful and wanting to retire. On return to Van Diemen's Land in early 1843 Charles worked in the office of the Scottish mercantile firm Kerr Bogle & Co. Bob worked part-time with his father and attended to his studies at home for the other part of the week.[6]

The Swanston's next two sons, twins Oliver and Kinneir, did not receive an English education, but did well, and won prizes, at the Proprietary School Boa Vista, in Hobart Town.[7] Subsequently, all sons, except the youngest, Nowell, had spells managing the family's properties 'Swanston' on the east coast or 'Glen Ayr' in the Richmond district. After Swanston established his son-in-law, Edward Willis, in pastoralism at Geelong, Charles joined him there, forming the partnership of Swanston, Willis & Co, and subsequently the

[2] Brochure about Finchley Manor House School enclosed in a letter to Swanston from his father-in-law, Robert Sherson, 4 August 1839, Box 22/12, *Derwent Bank Papers*, Tasmanian Archive and Heritage Office (hereafter TAHO). Annual fees for boys over fourteen years of age were upwards of 100 guineas. The brochure stated 'Modern Continental Languages, Drawing, Music, Dancing, Fencing * Books, formed the only extra charges.' The principal was Dr Henry Worsley, a cousin of Mrs John Montagu's.
[3] CL Swanston to 'Meredith', 21 August 1839, NS123/1/49, TAHO.
[4] CL Swanston to Swanston, 30 October 1841, Box 21/3, *Derwent Bank Papers*, TAHO.
[5] Sherson considered Charles 'all thought and prudence', and Bob always 'anxious to know the whys and wherefores' but whose 'money melts as quick as ice in the Boy's mouth', and overall, 'the most excellent and amiable boys, only too handsome looking – the admiration of all', Sherson to Swanston, 9 January 1840, Box 22/12, *Derwent Bank Papers*, TAHO; W Oliver to Swanston, 28 August 1839, Box 23/1, *Derwent Bank Papers*, TAHO.
[6] *Ibid.*
[7] *Colonial Times*, 31 December 1840, p 6.

Launceston-based partnership of Swanston, Potts & Co in 1847, including brother Kinneir.[8] As mentioned in the previous chapter, Oliver spent a couple of years learning the art of surveying under the expert hand of architect James Blackburn before following his father's footsteps as a cadet to India. Kinneir managed the family's interests at 'Native Creek' and Indented Head in Victoria between 1845 and 1847, contented on the land and often in the company of Aboriginal people. In one letter to his father from 'Native Creek' he wrote: 'I have five Blacks stopping with me. Grinny of course is one of them, he says he will always live with me and be my Tiger'.[9] Kinneir realised his desire to visit to London in 1848, and afterwards moved to New Zealand.[10] The youngest son, Nowell, finished his education in England before joining the army in India.

Bob was perhaps the most adventurous of the Swanston progeny and closest in his father's affection. During the period working in his father's office, Bob acquainted himself with Swanston's multifarious business and wide network of commercial contracts. Between 1844 and 1846 he sought further commercial experience working in the Customs House at Cape Town under the patronage of Montagu.

By that time the demands of public life, the bitterness of Van Diemen's Land politics and concerns about finances were taking a toll on Swanston's private life. From mid-1844 his friends were concerned about his mental health and were doing their best to enliven him. Matthew Forster consoled him: 'You should endeavour to shake off your annoyances and rally, things must change soon and then you will be more at ease.'[11] Anstey offered to look after Swanston at 'Anstey Barton' if he had a relapse into the 'depression of spirits'.[12] In September 1844 Colonial Secretary James Bicheno sent a note to cheer him and a copy of an American magazine containing a curious article regarding privatisation. 'The North American Review is the best periodical they have,' wrote Bicheno. 'I hope you will see comfort to yourself peeping through the dark colouring'.[13] In late 1845, at the end of an exhausting

[8] J McElearny, Bank of Australasia to Swanston, 8 March 1847, Box 23/1, *Derwent Bank Papers*, TAHO.
[9] K Swanston to C Swanston, 29 September 1845, *Charles Swanston – Miscellaneous Correspondence*, CRO31/2/2, TAHO.
[10] Kinneir and older brother, Charles, travelled to England in 1848 in the company of their uncle and aunt Frederick and Caroline Forth on their return to England in the barque *Wellington*, *Britannia and Trades' Advocate*, 27 January 1848, p 2.
[11] Forster to Swanston, Sunday, no date, Box 4/12, *Derwent Bank Papers*, TAHO.
[12] Anstey to Swanston, 29 April 1844, 8 May 1844 and 12 July 1844, Box 24/10, *Derwent Bank Papers*, TAHO.
[13] J Bicheno to Swanston, 21 September 1844, Box 34/5, *Derwent Bank Papers*, TAHO.

year of political tumult culminating in the 'walk out' from the Legislative Council, Swanston and Georgiana decided that she and the younger children would join Edward and Kate Willis in Geelong. Swanston found himself almost alone at 'New Town Park'. The reason for Georgiana's departure appears an economic one as Swanston was struggling financially. The reaction of Montagu provides a clue to the situation:

> Your financial condition appears from the rise in Stock and Land to be improving and I hope you may yet be enabled to retrieve some of your heavy losses – you will have some difficulty I think in rescuing yourself from VD Land for some years, as it must require a long time to wind up satisfactorily the many transactions under your guidance. But I hope the Society may be restored to what it was – that the Convicts will be under proper discipline and in other respects [……?] improvements may take place as will enable Mrs Swanston and your family to return to you.[14]

Anstey saw Georgiana's departure as part of the exodus of 'nearly all the people of worth' from the colony.[15]

Swanston confided with Bob by mail about his personal financial problems and Van Diemen's Land's political upheavals. Bob empathised with his father's struggles, commenting when Swanston resigned his seat in the Legislative Council that he was glad because the position had been 'only a source of worry' to him. Bob expressed:

> I am glad in one sense that the Government is reduced by bad management to the extremities you mention for now it is utterly impossible for the Home Government to overlook the state of the Colony and defer the inquiry which must be made. I have not spoken with Captain Montagu since the receipt of your last and I know not whether his opinion with regard to the probation system is allied, but some few months back he and I discussed the matter and he appeared then very sanguine about it, altho' from all accounts it had proved a failure. If he does doubt about it now he will attribute it all to the loss the Government had in Captain Forster.[16]

The inevitability of Swanston's assets in Van Diemen's Land being broken up was acknowledged by Bob as early as January 1846. He stated his desire to return to help manage some of the property because Swanston had more enough to do 'without the worry attending the farms.' Regarding his father's domestic situation, Bob wrote:

> I greatly fear my Dear Father you will feel very desolate when Mamma and the little ones leave you and take lodgings, especially if Olly leaves you, for you will then be

[14] Montagu to Swanston, 8 May 1846, Box 40, *Derwent Bank Papers*, TAHO.
[15] Anstey to Swanston, 24 November, 1845, Box 3/8, *Derwent Bank Papers*, TAHO.
[16] Bob Swanston to Swanston, 2 August 1846, *Charles Swanston – Miscellaneous Papers,* CRO31/2/5*,* TAHO. As mentioned in Chapter 3, Forster died on 11 January 1846.

> quite alone without a single member of your family living in VD Land where you have been used to being surrounded with so many of us.[17]

Aware that his mother was thinking of going to England, Bob asked about his father's long term plans, whether after settling affairs in Van Diemen's Land he would go to England or make 'our future headquarters' in Port Phillip.[18] If his mother's intention was to remain only two years in England, he thought Port Phillip would be an excellent plan. Bob was anxious to get back to Van Diemen's Land, and Montagu also thought this a good idea. 'I had my doubts about it [employment in Cape Town], I confess, as I feared Bob was acting more under the influence of his own wishes than your directions,' Montagu wrote.[19]

Bob wrote from Sydney in December 1846 to inform his father he was on his way home. He intimated that he had searched for a position in Sydney and had accepted the kindness of old family friend Alfred Stephen, but had not been successful. He rued: 'I certainly am destined to be a continual drag and source of anxiety to you.'[20] Back in Van Diemen's Land, Bob spent the next year working for his father, mainly on the properties 'Swanston' and 'Glen Ayr'.

Improvements in Swanston's affairs did not take place. In February 1849 Georgiana and her three youngest children sailed for England.[21] Before departing Georgiana signed two Deeds extinguishing her right of dower to all property in Van Diemen's Land and at Port Phillip.[22] As outlined in Chapter 7, the sadness of this was that just as the magnificent estate Swanston had created for his family was maturing, with his vineyards and other crops becoming commercially viable, his family was dispersing.

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[17] *Ibid*.
[18] Bob Swanston to Swanston, fragment, no date, *Charles Swanston – Miscellaneous Correspondence,* CRO31/2/5, TAHO.
[19] Montagu to Swanston, 8 May 1846, Box 40, *Derwent Bank Papers*, TAHO.
[20] Bob Swanston to Swanston, 15 December 1846, *Charles Swanston – Miscellaneous Correspondence,* CRO31/2/5, TAHO.
[21] *Launceston Examiner*, 10 February 1849, p 7. The barque *Wellington* left Launceston on 8 February 1849 and fellow passengers included the Reverend Henry Phibbs Fry and Mrs Fry, and relatives Mr and Mrs Dobson.
[22] J Walker to E Dumaresq, *Letterbook*, RS 9/2 (3), p 326, University of Tasmania Archives (hereafter UTA). Georgiana Swanston's action in signing away her right, as wife, to claim a portion of Swanston's property demonstrates the couple's intention to meet their creditors. It is possible, however, that Swanston had earlier conveyed property to his wife. A letter from his son, Bob, at the time in Cape Town, reads: 'You mention also how you intend dispersing of the property by settling on Mamma and the girls which I am very glad to hear, for they will be sure of having something to depend upon in case worse than we foresee happens.' Bob Swanston to Swanston, 2 August 1846, *Charles Swanston – Miscellaneous Correspondence,* CRO31/2/5, TAHO.

Gold fever

In June 1849 Bob and his friend, John (?) Taylor from the firm of Lowes and MacMichael, left for California with a general cargo in the barque *Harriet Nathan*.[23] Supporting Bob in such speculation was Swanston's last chance to recoup his lost fortune. It had been common knowledge some months before Swanston resigned from the bank that he was planning a Californian speculation and its rumoured magnitude was causing agitation among other speculators. In July 1849, Launceston merchant, Alexander McNaughtan, reported to his company, Kerr Bogle & Co in Glasgow, that Swanston had succumbed to the 'gold fever'.[24] McNaughtan said several vessels had already gone and more, carrying wooden houses, provisions and as much other merchandise as they could manage, were preparing for departure. McNaughtan noted that the other merchants 'feared much' the result of Swanston's speculation 'involving it said at least £10,000'.[25] McNaughtan pondered upon the impact of so many vessels carrying such a large supply to California in so short a time.

In San Francisco Taylor and Bob Swanston encountered a township glutted with 'every description of goods' and a harbour cluttered with 300 empty ships.[26] In a letter to his father dated 4 October 1849, Bob stressed the difficulties of trying to become established in chaos – the enormous price of allotments, the cold foggy weather, poor water, an outbreak of dysentery accompanied by many deaths, lawlessness including bullets flying across the harbour, and occasional murders. [27] He assured his father that, despite the difficulties, once he could get business started 'the money will come tumbling in'. He signalled, however, that people without 'a good heart and a great deal of determination' should not go to California. Bob enclosed a memorandum of articles that were selling well and suggested that Swanston should forward his vinegars and ciders 'as soon as you can get them ready; they are in great demand'.[28]

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[23] *Courier*, 6 June 1849, p 2.
[24] Alexander McNaughtan to Kerr Bogle & Co, 3 July 1849, *Launceston Local Studies Manuscript Collection*, LMSS/12/4/80, TAHO.
[25] *Ibid*.
[26] *Colonial Times*, 29 January 1850, p 2.
[27] *Courier*, 30 January 1850, p 2. The letter was over the initials 'RS' and followed the editorial comment: 'We have been favoured with the following letter addressed to his father by a gentleman who sailed some time back in the *Harriet Nathan*, with the intention of opening a house of business at San Francisco.'
[28] *Ibid.*

Reports in other newspapers indicate that times were wild in California with 500 gambling houses and as much as 'a ton' of coin frequently seen upon a table.[29] McNaughtan's predictions about over-supply proved correct. Taylor & Co offered at least three ships for sale – the *Vansittart*, the *John Bull* and the *Joseph Albino* – although there is no report of any transaction. Taylor and Swanston were not the only optimists stirred by prospects of gold. In 1849 twenty ships with a total of 470 passengers sailed from Van Diemen's Land for California and by the close of the year only two ships had returned to the port of Hobart Town.[30]

By Spring 1849 Swanston saw the inevitably of the Derwent Bank's demise and tendered his resignation as managing director on 27 September. A special general meeting of shareholders on 24 October elected miller and Commissioner for Hobart Town, John Walker, as managing director with the task of liquidating the bank's assets.[31] Swanston owed the Derwent Bank £58,509 out of his total personal debt of £104,375.[32] Economist and historian Syd Butlin records that over the years 1846−49 Swanston had been scraping what funds he could to meet the drain on the bank, even borrowing from the Union and Australasia banks, but the end came when the Union Bank refused to advance £25,000 for an indefinite period.[33] The Union already held bills to the value £12,640 discounted to the Derwent, unlikely to be met at maturity, which it agreed to renew, but it declined further aid. The fall of the Derwent Bank and the amount of Swanston's debt to it shocked the community.

McNaughtan's comments indicate that Swanston's business name was sullied before news broke of the bank's failure:

> … his liabilities in the Derwent Bank directly and indirectly are said to be sixty thousand pounds, his Estate is likely to be a very bad one, it has a most injurious effect in various ways, but not so much in a pecuniary point of view as might be anticipated, his liabilities being mostly within the Bank and the unfortunate shareholders, mostly absentees, Anstey, Spode, MacLachlan, Mrs Collins and a few

[29] *Cornwall Chronicle*, 13 February 1850, p 99.
[30] *Colonial Times*, 15 January 1850, p 4.
[31] *Courier*, 20 October 1849, p 1; *Courier* 31 October 1849, p 2.
[32] Walker to E Dumaresq, 17 June 1851, Letterbook RS9/2 (3), pp 473-474, UTA.
[33] SJ Butlin, 'Charles Swanston and the Derwent Bank, 1827−1850', *Australia and New Zealand Historical Studies,* Vol 2, No 7, 1943, p 183.

> including the shareholders. It will not surprise you, but you will be surprised to hear things are so bad.[34]

At 'New Town Park', where he had tended his vineyard and orchards, entertained, deliberated long hours in his library and brought up his children, Swanston realised his dream had ended. As if this was not pain enough, on 11 December 1849 his eldest child, Laura Jeanette Macdowell, died, aged 36.[35] Laura's funeral was held at St John's Church, New Town. A solace for Swanston was most likely the wine from his famous vineyards and the drug of opium. In one of his later letters Swanston asked a person in India to send a particular type of fireball for his hookah, either with his order from Calcutta or to instruct the captain of the *Grace Darling* to bring a quantity back for him.[36] Smoking the hookah had been a common practice in India amongst British officers and officials and, as illustrated in Chapter 1, his uncle, Anthony Lambert, was a champion of the habit.

On 21 December, Swanston appointed John Walker and Askin Morrison as trustees for the benefit of his creditors.[37] The assignment in trust lists lands and hereditaments at New Town, in the counties of Pembroke and Glamorgan; shares in the capital or stock of the Derwent Bank; certain sheep, cattle, horses and agricultural implements; wine, cider, vinegar and other chattels in Van Diemen's Land; property at Port Phillip; shares in the Kapunda Mine in SA and also the debts and sums of money due to him. It took four years before the business was wound up.[38]

Swanston left Van Diemen's Land for the last time from Launceston on 22 January 1850.[39] From Melbourne he went to Sydney, possibly to fulfil his son's order for saleable articles, and left in the barque *Swallow* on 15 April for San Francisco.[40] The disaster that awaited him

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[34] McNaughtan to John Charles Blackett, Esq, Portman Place, London, 12 November 1849, *Launceston Local Studies Manuscript Collection*, LMSS/12/4/80, TAHO.
[35] *Courier*, 19 December 1849, p 2. Laura's death certificate states she died from liver disease, *Tasmanian Names Index,* RGD35/1/2 No2749. Laura, Swanston's natural daughter, had enjoyed a place of special affection among Georgiana and Charles' children, evidenced by them sending messages to her in letters to their father. Her name was perpetuated in several of her step-siblings' families.
[36] Swanston to (addressee illegible), 19 April, no year, Box 34/2, *Derwent Bank Papers,* TAHO. Swanston estimated the fireballs would cost about 150 Rupees or £15, saying he would send either gold or a bill in return. The *Grace Darling*, Captain J Young, visited Hobart Town several times from Indian and Asian ports in the years 1848 and 1849.
[37] Assignment in Trust, 21 December 1849, Box 24/8, *Derwent Bank Papers*, TAHO.
[38] Butlin, 'Charles Swanston', p 183.
[39] *Colonial Times*, 29 January 1850, p 2. Swanston sailed to Melbourne on the brig *Raven* under Captain Bell.
[40] *Sydney Morning Herald*, 16 April 1850, p 2.

must have been an enormous shock. The massive fire that swept San Francisco on Christmas Eve 1849 had destroyed the town and his son's merchandise.[41] Worse, when Swanston arrived, Bob was nowhere to be found, but on his way back to Van Diemen's Land. Father and son had crossed in passage. Bob arrived in Launceston on 17 August 1850 – when vicious rumours about the cause of the Derwent Bank's collapse were still circulating and most of the family's properties in Port Phillip were being advertised for sale.[42] He left to return to California from Sydney on 10 September.[43] On the high seas at the same time were Georgiana and the three youngest children returning from England.[44] It is not known whether Swanston knew of his family's efforts to be with him.

In the first historical analysis of the operation of the Derwent Bank, based on the bank's re-discovered letterbooks, Butlin says that Swanston had been advised to take a long sea voyage by his doctor.[45] This claim has not been substantiated in recent research, although there is no cause to doubt it. Swanston suffered from the wound inflicted at the battle of Corygaum, as well as periods of despondency, and letters from good friends specifically enquired after his health. After a brief stay in San Francisco he left in the ship *Raven*, under command of long-term acquaintance, Captain William Bell. He died on board on 6 September 1850, Latitude 32.34S Longitude 179.135E, and was buried at sea.[46] A death notice in the *Colonial Times* broke the news in Hobart Town on 11 October 1850. Former

[41] Bob Sherson recollected some decades later 'I lost all in the Christmas Day fire of 1849, in San Francisco.' Autobiography and Reminiscence of Robert Sherson Swanston, 1901, Society of California Pioneers, http://content.cdlib.org/ark:/13030/kt258019f8?doc1d=kt258019f8&order=4&brand, accessed 12 October 2014.

[42] *Courier*, 21 August 1850, p 2. Bob Swanston arrived on the barque *Rory O'More*. Advertisements in all the major newspaper foreshadowed that Dalahoy Campbell was to auction on 25 September in Geelong: 3,900 acres in the Barrabool Hills, 12 acres on the Barwon River, 480 acres in South Geelong (in occupation of Edward Willis), a store in Yarra Street, 9,500 sheep and their increase at the station at Native Creek on the River Leigh and land at Native Creek to be subdivided. The advertisement also gave notice that a station in the Glenelg with 13,000 sheep, capable of depasturing 25,000 would come up for sale the following January. *Launceston Examiner*, 14 August 1850, p 7; *Colonial Times*, 16 August 1850, p 4; *Courier*, 17 August 1850, p 17, and *Cornwall Chronicle*, 17 August 1850, p 541.

[43] *Courier*, 11 September 1850, p 2, in the American vessel *Chasely*.

[44] *Launceston Examiner*, 21 September 1850, p 10.

[45] Butlin, 'Charles Swanston', p 183.

[46] *Sydney Morning Herald*, 27 September 1850, p 4; *Colonial Times*, 11 October 1850, p 2; *Courier*, 12 October 1850, p 2.

Colonial Secretary GTWB Boyes matter-of-factly recorded the death in his diary.[47] The *Hobart Guardian* appeared the only newspaper to elaborate, with the brief announcement:

> We regret to hear that death has put an end to the sufferings of this truly unfortunate gentleman, leaving a widow and family, who only returned from London this week in the *Wellington*, to deplore his loss. The death took place on board of the *Raven*, on her return passage from San Francisco to Sydney.[48]

Charles Swanston was sixty years of age. The cause of his death at sea remains unknown.[49] Present descendants understand that it was suicide. The story has come down the generations that he was so remorseful about the misfortune and unhappiness he had caused his family, friends and clients that he took his own life.[50] Without doubt, his options had run out.

No obituary for Swanston appeared in the newspapers as was customary for prominent people at the time. This could be because Swanston's friends remaining in Van Diemen's Land, such as Anstey, Josiah Spode and Robert Pitcairn, felt constrained about making public comments as they too were implicated in the Derwent Bank's collapse, or it could support the suggestion of suicide. As a matter of policy, many newspapers avoided reporting such circumstances.[51] The briefest of tributes appeared in the Report of the Royal Society of Tasmania the following year:

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[47] GTWB Boyes, *Diary OF GTWB Boyes Van Diemen's Land, November 26th 1849 to April 28th 1851*, entry for 11 October, 1850. RS25/2(12), UTA. Boyes also recorded his concern for Swanston's second youngest daughter, Rebecca, who subsequently spent a few days with his family at their home.

[48] *Hobarton Guardian, or, True Friend of Tasmania*, 12 October 1850, p 3. Boyes' diary entry indicates Swanston had been heading to Port Phillip.

[49] Despite extensive enquiry, no death certificate has been found, no log book of the *Raven*, nor entry in the UK Registry of Shipping and Seamen. This search, however, did discover that the passage was a trying one for Captain Bell of the brig *Raven*. On reaching Sydney, Thomas Bluff was indicted for having stolen thirty-one ounces of gold dust from passenger Charles Smith (who had been working in the Californian mines). The case was heard before Mr Justice Therry in the Sydney Central Criminal Court on 10 October 1850. Evidence was given that the stolen gold was never found, although the chests of Bluff's and all the seamen were searched. The beds and chests of the passengers were not searched at all. According to the newspaper report Mr Holroyd, who defended Bluff, contended that the case against Bluff amounted 'to one of the barest suspicion and that there was a greater probability of guilt on behalf of one of the passengers'. The jury acquitted Bluff, *Sydney Morning Herald,* 11 October 1850, p 2; *Courier*, 30 October 1850, p 3.

[50] J Swanston, *pers com,* 17 May 2015.

[51] Until well into the twentieth century most Australian newspapers avoided reference to the cause of death of people who had taken their own life. The taboo against reporting suicide was lifted in 2011 with the adoption of guidelines issued by the Australian Press Council, binding on about 98 per cent of Australian newspapers and magazines. *Submission from the Australian Press Council to the Senate Community Affairs references Committee on its Inquiry into Suicide in Australia,* 1 November 2009, http://www.presscouncil.org.au/document-search/senate - community-affairs, accessed 4 November 2015;

> CHARLES SWANSTON, ESQ., Treasurer, a Member of the Council of this Society, and one of its most steady and zealous supporters from its commencement down to the close of 1849, and many years a Member of the Legislative Council of V. D. Land, died at sea, between Sydney and California, after a short illness.[52]

Swanston's critics

Swanston's disappointments and death stimulated more detractors than during the entire span of his colourful career. Grudges and jealousies were rife in Hobart Town, exacerbated by the tensions accompanying social and political change. By custom, eulogies and obituaries focus on the good qualities of people rather than their negative traits. Their existence on record is a resource much used by historians and family researchers. The absence of an obituary for Swanston indicates the confusion caused by the sudden demise of this once powerful man.

The last account on the public record during Swanston's lifetime seriously damaged his reputation. This was a letter-to-the-editor of the *Colonial Times* from a person under the nom-de-plume 'An Observer', six months after Swanston left Van Diemen's Land.[53] The writer's allegations, pointed also at the other two bank directors, Anstey and Josiah Spode, shocked readers. They included claims that Swanston's debt to the Derwent Bank was £53,000 out of the bank's total capital of £77,000; that the bank was used for years to fund the reckless speculation of Swanston and his friends; that Swanston carried on the establishment for so long by re-discounting all the paper (bills and notes) with two English banks averaging about £30,000 a year over the previous four or five years, absorbing every sixpence of profit upon the small sum he allowed to remain in the bank; that right up to his resignation he was still paying dividends regularly to shareholders causing them to believe the bank was in a sound and healthy state; and that by its collapse, vulnerable individuals had lost all. [54] 'An Observer' noted that when the whole affair 'exploded', Anstey and Spode were as astonished at the state of affairs as any of the shareholders who had trusted to

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'Standards Relating to Suicide, *Australian Press Council Media Release,* 2 August 2011, http://www.presscouncil.org.au/uploads/52321/ufiles/APC_Media_Release_02.08.11_-_Release_of_Standards_relating_to_Suicide.pdf, accessed 4 November 2015.

[52] *Papers and Proceedings of the Royal Society of Van Diemen's Land,* Vol 1, 1849–51, np.

[53] *Colonial Times*, 12 July 1850, p 2.

[54] The two banks were the Union Bank of Australia and the Bank of Australasia.

their vigilant supervision.[55] Raising the question of whether Messrs Anstey and Spode were legally liable, the anonymous writer side-stepped the legal issue and declared: 'but no one can doubt for a moment that they are *morally so'*. He also wrote that he had heard Swanston's Californian speculation was likely to turn out a complete failure, causing severe suffering to 'so many in this place'. He argued that Swanston should not have been permitted to leave the colony until his affairs had been completely wound up, stressing: 'No case that has occurred in this colony ever called so loudly for a legal declaration of insolvency, in order that matters might be well sifted, and probed to the bottom.'[56] The writer also hinted that creditors would be deprived of considerable redress because Swanston had sold two-thirds of his property in Port Phillip to his eldest son and son-in-law, taking mortgages from them for the whole extent, payable in five years. He claimed the son and son-in-law were throwing every difficulty in the way of a sale of this property until their mortgages became due in 1852.[57]

'An Observer's' letter caused such a sensation that the *Colonial Times* took the unusual step of reprinting it four days later.[58] The newspaper whipped up more scandal with another reference to it the following month. Alluding to the publication of the letter in the *Victorian Colonist* on 24 July, an editorial expounded that investing peoples' money without their consent for personal profit and aggrandisement was a very different matter from losing in the ordinary course of legitimate commercial speculation.[59] It inferred that Swanston had constituted the 'monster giant which oppressed and ruined' the colony, and claimed:

> We know that for ten years the fallen manager of the Derwent Bank exercised a greater influence over the public affairs and interests of the people of Van Diemen's Land, than did any recognised British or Colonial authority.[60]

This last comment, regardless of the accuracy of its implications, is testimony to a powerful force. Withal, the editorial advised 'the young political community' to trace the rise,

[55] Anstey had expressed his wish to give up his directorship of the Bank five years previously, but had been persuaded to stay on, Anstey to Swanston, 21 November 1844, Box 32/13, *Derwent Bank Papers*, TAHO.
[56] 'An Observer', Letter-to-the-Editor, *Colonial Times*, 12 July 1850, p 2. In this context, Swanston was well across the law on insolvency, as a bank manager, and also because in 1835 he had been a member of a committee chaired by Alfred Stephen that established a scheme of bankruptcy administration, JM Bennett, *Sir Alfred Stephen: Third Chief Justice of New South Wales 1844–1873*, (Sydney, 2009), pp 61-64. Emphasis in the original.
[57] 'An Observer', Letter-to-the-Editor, *Colonial Times*, 12 July 1850, p 2.
[58] *Colonial Times*, 16 July 1850, p 3.
[59] *Colonial Times*, 20 August 1850, p 4.
[60] *Ibid.*

progress, decline and fall of the Derwent Bank in its influence on the social and political condition of the colonists of Van Diemen's Land as a beacon to avoid similar dangers.[61]

'An Observer' was clearly Thomas Young, the solicitor of Hobart Town, who employed similar sentiments and phraseology in a letter to John Walker of March 1851 found among the *Derwent Bank Papers*. Young had gained an insight into Swanston's business practices while acting for the separate interests of the families of JT Gellibrand and Thomas Learmonth in obtaining their dues from the wind-up of Swanston's complicated affairs.[62] In going over Swanston's accounts with the estate of the late Gellibrand, Young found evidence that interest was charged to those owing money to the bank, but not calculated on money borrowed by Swanston or the bank. In the letter of 31 March 1851, this time over his name and signature, Young wrote that the results in Swanston's favour were too systematic for anyone to believe they happened through chance. 'And you know well that Swanston used every sixpence in the Bank's coffers where the balances should have been found,' Young claimed: 'Witness his discounting all the available paper held by the Bank with the principle upon which the late Mr Swanston made out the account.'[63]

Young had been watching Swanston for many years. The behaviour described in the anonymous letter-to-the-editor emphasises the desperation of Swanston's last years. As his fortune declined, he resorted to some complicated and shady business practices. Because of Swanston's high status and the widespread belief in his competency, this exposure was more horrifying. However, Young's excoriating comments should be tempered by the knowledge that there was tension between him and Swanston. Eight years earlier Montagu's friends suspected Young had leaked the existence of Montagu's book and was responsible for information reaching Franklin at the time 'the Book' was in Swanston's hands.[64] In his *Narrative*, Franklin describes Young as a 'solicitor of first respectability' and 'a man of unimpeachable integrity'.[65]

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[61] *Ibid.*
[62] Walker to T&S Learmonth, 14 May 1851, *Letterbook*, RS 9/3 (2), p 465-468, UTA; T Young to J Walker, 31 March 1851, Box 35/4, *Derwent Bank Papers,* TAHO.
[63] Young to J Walker, *Ibid*.
[64] See Chapter 4.
[65] J Franklin, *Narrative of some passages in the history of Van Diemen's Land during the last three years of Sir John Franklin's administration of its government*, facsimile reproduction, (Hobart, 1967), p 69.

Historian Eric Rolls makes a pertinent observation about the accounting practices of Australia's early and former paymasters. In reference to New South Wales landowner William Cox (1764-1837), who succeeded John Macarthur (1767-1834) as paymaster around 1800, Rolls points out that during the period it was not considered untoward for paymasters to make personal use of funds under their management. This was not theft, but one of the perks of a paymaster's position. Rolls explains:

> It was a sort of overdraft on which no interest was paid. But any call on the money had to be met immediately. Macarthur (or Elizabeth) had prospered with careful use of the fund. Cox overspent. In 1803 he was caught almost $16,000 short. That was all Government money. But Cox had acted as banker to private individuals and spent their money too. It is not possible to tell from the records whether they ever got it back.[66]

The relevance of Rolls' explanation is that Swanston had been military paymaster for the provinces of Travencore and Tinnevelly while stationed at Quillon, India, before migrating to Van Diemen's Land. If he used the Derwent Bank's money as 'a sort of overdraft', his original intention would have been to pay it back.

By comparison

In the hurly-burly of mercantile activity of early Hobart Town, many men sank their fortunes and laboured hard for relatively little return. Those that realised their ambition became landed squires or members of the urban elite, and were exceptional.

Swanston's decision to emigrate to Van Diemen's Land and establish himself as a merchant was based on the financial security provided by his military pension and his salary from the Derwent Bank. In this sense, he was unusual amongst Hobart Town's merchants, his pecuniary affairs being potentially more stable than those of other prominent merchants operating in the port. For this reason, a glance at the fortunes of a few contemporaries provides useful comparison.

James Grant (1786−1870), from Nairn in north-eastern Scotland, was typical of many young Scots attracted by the promise of independence, land, and cheap labour. Grant entertained notions of profiting by trade, obtaining a large land grant by a water course, breeding

[66] E Rolls, *A Million Wild Acres*, (Melbourne, 1981), p 39.

merino sheep and becoming a comfortable country squire.[67] His younger brother, John, had arrived in Hobart Town in January 1823 in the company of close friend Alexander ('Sandy') Brodie Spark (1792−1856).[68] After a short stay, Spark sailed on to Sydney where he became a prominent merchant and very large land owner.[69] John went into partnership with Walter Angus Bethune with the intention of maintaining business affiliations with Spark in Sydney. The following year, James left on the ship *Heroine* with a carefully-selected speculative cargo and, as was often the case on the long sea passage, made lasting friends and business connections among fellow passengers, including merchant JG Jennings and his lawyer brother, Henry Jennings, and the surveyor and explorer, John Helder Wedge.[70] Landing in April 1824, they preceded the new Lieutenant-Governor, Colonel George Arthur, by only a matter of weeks. The following month, Grant purchased three acres of land at Cottage Green, complete with cottage, from Reverend Bobby Knopwood. He established himself as a wool exporter and acquired a warehouse in Macquarie Street, using his Cottage Green address for his commercial pursuits. In 1825 Grant succeeded pioneer Edward Lord as agent for Lloyd's in Hobart Town, giving him additional income as well as timely commercial intelligence.[71]

Following the death of John Grant in December 1825, Grant managed to have his brother's location at Bothwell added to his own 2,000 acre grant in the Fingal Valley, forming the basis of his property 'Tullochgorum' on the South Esk River. At 'Tullochgorum' he introduced some of the first Spanish and Saxon sheep imported to the colony, and by 1828 owned 3,500 head of sheep.[72] Grant became as prominent as any other early merchant, but deafness impeded his capacity to participate in verbal debate and he did not seek public office. Hence Grant cannot be defined as a merchant statesman, although he was highly regarded as an effective activist for infrastructure development in north-east Tasmania. Grant looked to Swanston as his banker and his correspondence to him was relaxed and

[67] Letters James Grant from London to his brother, John Grant, in Hobart Town between 30 November 1822 and 15 October 1823, G2/1-10, University of Tasmania Archives (hereafter UTA).
[68] *Hobart Town Gazette and Van Diemen's Land Advertiser*, 25 January 1823, p 2.
[69] John Grant and AB Spark arrived in Hobart Town on 19 January 1823 on the *Princess Charlotte, Hobart Town Gazette and VDL Advertiser* , 25 January 1823, p 2; Anon, 'Spark, Alexander Brodie (1792-1856)', *Australian Dictionary of Biography,* (hereafter *ADB)*, Vol 2, (Melbourne, 1967), p 463.
[70] The *Heroine* arrived in Hobart Town on 15 April 1824, *Hobart Town Gazette and Van Diemen's Land Advertiser*, 16 April 1824, p 2.
[71] *Hobart Town Gazette and VDL Advertiser* 8 July 1825, p 4.
[72] L Scripps, *The Fingal Valley: historical study,* (Hobart, 1999), p 51.

informal, indicating a confidence that Swanston was generous to him.[73] Grant lived comfortably to the good age of eighty-four, spending his last few years in Launceston. 'Tullochgorum' passed to his son, James, who briefly represented the district of Fingal in the House of Assembly.[74] The steady efforts of Grant senior paid off and Tasmania was kind to him. He achieved the goal that motivated him to leave his homeland.

The career of another contemporary, Charles McLachlan (1795−1855), ran parallel to Swanston's in many respects. The two men entered the Legislative Council the same year. Swanston was managing director of the Derwent Bank while McLachlan held the same position at the Bank of Van Diemen's Land. McLachlan, a Scot, had spent his youth in the West Indies as an agent for the Glasgow firm of Ewing & Reid. He arrived in Hobart Town in 1824 as representative of the Australian Company of Edinburgh and Leith, a joint stock shipping and trading enterprise formed to provide the first planned, regular shipping service between the United Kingdom and Australia.[75] McLachlan was instrumental in bringing hundreds of Scottish settlers to the colony. After the Australian Company folded around 1830 he concentrated on banking, shipping and exports. He was a member of the Legislative Council for the decade 1832−1842, served on several enquiries into the colony's money problems and was always found to be 'kind, charitable and humane'.[76] He was active in the Presbyterian Church, the Mechanics' Institute and organisations such as the Agricultural and Commercial Association. McLachlan obtained land grants totalling 3,450 acres on the Blackman's River, and owned a whaling station at Southport, several town allotments and land at Geelong, Victoria.[77] An ardent anti-transportation campaigner, on extended trips to London he acted unofficially as agent for Van Diemen's Land until John Alexander Jackson's appointment as agent-general in 1846. McLachlan was fortunate to have left the colony for England in 1842 and hence was not tarnished by the damaging politics of the Franklin and Eardley-Wilmot regimes. He died in Melbourne in 1855. As illustrated in Chapters 2 and 3,

[73] Grant to Swanston, 26 June 1845, Box 19/5, Grant to Swanston, 9 November 1842, Box 8/5, *Derwent Bank Papers*, TAHO.
[74] *Cornwall Chronicle*, 10 December 1870, p 9.
[75] DS Macmillan, *Scotland and Australia 1788−1850: Emigration, Commerce and Investment*, (Oxford, 1967), pp 67, 211. The capital stock of the company was declared to be one million pounds sterling divided to shares of £100 each, payable by instalments, and by 1826 it had four ships on the Australian run, *Greenock, Triton, Portland* and *City of Edinburgh, Van Diemen's Land Pocket Almanack 1824,* p 40.
[76] *Launceston Courier*, 14 February 1842, p 2.
[77] DS Macmillan and JR Morris, 'McLachlan, Charles (1795−1855), *ADB*, Vol 2, (Melbourne, 1967), p 175.

Swanston and McLachlan joined forces to improve banking facilities in the colony. Both opposed transportation and supported free trade. McLachlan was the other merchant statesman of the Van Diemen's Land era and made significant contributions to the colony. Swanston's permanent position as managing director of the Derwent Bank obligated him to his clients through troubled times and tied him to Van Diemen's Land, whereas McLachlan had been free to pursue personal interests on other shores.

In New South Wales, the colonist most closely resembling Swanston in ambition and social standing was physician Sir John Jamison (1776−1844). Jamison devoted his time, wealth and influence to the introduction of the free institutions of England into New South Wales and was one of the largest land owners.[78] His estate, 'Regentville' near Penrith, was a model property with vineyards, an irrigation scheme and a wool mill building. He had his own race-course, was an importer of blood stock and built up a natural history collection. Like Swanston, Jamison was keenly interested in horticulture and the development of agriculture. Jamison was founder in 1822 and president for many years of the Agricultural and Horticultural Society of New South Wales and Swanston the inaugural president of the Horticultural Society of Hobart Town. The two men corresponded on common interests and Jamison's cuttings of his best and hardiest vines augmented Swanston's vineyard in 1833.[79] Jamison served in the New South Wales Legislative Council (1837−1843), and accumulated great wealth from his land holdings, but was not a merchant and therefore cannot be compared as a 'merchant statesman' even though so many other attributes are shared. Jamison died comparatively poor as a result of the failure of the Bank of Australia in the late 1840s in which he was the second largest shareholder.[80]

Janette Holcomb's study of early merchant families of Sydney shows that limited credit and the 1840s' depression had similar consequences for Sydney merchants as those in Hobart Town.[81] Holcomb says in the absence of tight external regulation, local bank managers colluded with their directors in advancing them funds on insufficient security. Alexander Brodie Spark was one who, despite his thorough mercantile training, sociability and public

[78] GP Walsh, 'Jamison, Sir John (1776−1844)', *ADB*, Vol 2, (Melbourne, 1967), p 10.
[79] Jamison to Swanston, 20 June 1833, Box 32/23, *Derwent Bank Papers*, TAHO. See also Chapter 7.
[80] Walsh, 'Jamison, Sir John (1776−1844)'.
[81] J Holcomb, *Early Merchant Families of Sydney: Speculation and Risk Management on the Fringes of Empire*, (London/New York, 2014).

activities as director of multiple public banking and insurance institutions, compromised his business reputation and credit.[82] Spark and Edye Manning, two directors of the Bank of Australia, voted themselves advances of £10,509 between 7 and 14 July 1840 and in July 1841, Manning and Spark secured additional credit of £66,000 and £44,000 respectively, a practice only stopped when other directors discovered the bank's straightened circumstances.[83] Spark was certified insolvent in 1844, but he slowly recovered and regained wealth and a place in society by successful speculation following the discovery of gold in 1851.[84]

The flamboyant speculator Benjamin Boyd (1801−1851) with his Royal Bank of Australia is an example cited by Holcomb to show the inadequate auditing procedures of joint stock companies and lack of vigilance on the part of shareholders and government during the period.[85] The Royal Bank, established by Benjamin and his brother, Mark, in England in February 1840, sought to attract British capitalists to invest their funds in Australia and raised money by issuing unsecured five-year debentures. Holcomb says Boyd's activities suggest that he had 'no intention for the Royal Bank to act as a regular banking institution.'[86] It was little more than a nominal company designed for Benjamin's personal use. It financed Boyd's career as stockbroker, Australian merchant, shipowner, owner of vast acreage and pastoralist.

The way Ben Boyd was fêted serves to demonstrate how eager the young colonies were for connected men of enterprise and flamboyance as capitalism rapidly began overtaking the autocratic regimes of the penal years. The views of Adam Smith, Scottish economist and philosopher, published in 1776, were influencing contemporary economics, including the idea that the 'invisible hand', which led individuals to exert themselves and employ their capital to their own advantage, also directed their labour to the greatest benefit of the

[82] *Ibid*, p 254. Holcomb notes that as early as November 1837, AB Spark was anxious about the pecuniary concerns of NSW, confiding to his diary '... A general suspicion prevails, and no man thinks his neighbour safe.' His own problems occurred despite the valuable insider information available to him as a member of the Chamber of Commerce, director several banks, insurance and other companies, confidante of pastoralists, business men, agency for numerous British and foreign merchant houses and an assessor for the NSW Supreme Court.
[83] *Ibid*, pp 252, 254.
[84] Anon., 'Spark, Alexander Brodie (1792−1856)'.
[85] Holcomb, *Early Merchant Families*, pp 256-258.
[86] *Ibid*, p 257.

society, even when unintentional.[87] In his beautifully-designed yacht *Wanderer* of the Royal Yacht Squadron, Boyd was warmly received in Port Phillip and Port Jackson in mid-1842.[88] In Hobart Town in January 1843, Sir John and Lady Franklin entertained Boyd and artist Oswald Walters Brierly at Government House and honoured him with a visit to the *Wanderer*.[89] Max Hartwell and Jacqui Lane confirm that a universal spirit of enterprise existed in the Australian colonies well before 1850.[90]

By odd coincidence, the Derwent Bank and the Royal Bank collapsed around the same time – 1849 – and both Swanston and Boyd dashed off to California in the gold rush. Both died in the Pacific on their respective return journeys.[91] Public perception of these two men in their time illustrates a major difference. As mentioned in the introduction, Boyd had great charisma and personality, but even to his contemporaries he was regarded as 'half successful businessman, half scoundrel'.[92] Swanston, on the other hand, was widely regarded until his very last days as a respectable gentleman and his demise came as a shock to most of his contemporaries. A marked difference between the two men was that when Swanston faced financial collapse he appointed two colleagues to handle his debt and advised his son and son-in-law to cooperate in bankruptcy proceedings and to liquidate his assets to meet obligations. He also saw that his wife resigned her right of dower. Boyd, on the other hand, sailed away without accepting any responsibility to his creditors or for his personal mess. Boyd left a debt of £415,780 in New South Wales.[93] Boyd was a merchant adventurer: he relied on what Diamond calls 'the eighteenth-century coin of influence' – patronage and privilege – which ultimately proved inadequate to cope with the reality of nineteenth century capitalism and the greater efficiency its competitive system demanded.[94] Swanston was genuinely seeking a home and future for his family after

[87] A Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, Book 1V, eds. (Oxford, 1976), pp 454 and 456.
[88] *Sydney Herald*, 19 July 1842, p 2.
[89] Entry, 26 January 1843, *Jane Franklin's Dinner Engagement Book 1837–1843*, UTA; *Courier,* 10 February 1843, p 2.
[90] M Hartwell and J Lane, *Champions of Enterprise: Australian Entrepreneurship 1788–1990*, (Sydney, 1991), p 79.
[91] Benjamin Boyd disappeared after leaving the *Wanderer* to go on shore at Guadalcanal before breakfast on the morning of 15 October 1851 and although his body was not found, it is suspected that he was speared by natives, M Diamond, *The Seahorse and the Wanderer – Ben Boyd in Australia*, (Melbourne, 1988), pp 200-201.
[92] Diamond, *The Seahorse and the Wanderer*, p 2.
[93] *Ibid*, p 185.
[94] *Ibid,* p 16.

arduous service in British India. He sank all into Van Diemen's Land, investing his talents, energy, assets and hopes for his family.

Post mortem

It is too simplistic to blame Swanston entirely for the catastrophic failure of the Derwent Bank and to forget the difficulties confronting all financial institutions at the time. Swanston had found it hard to punish families and dash the hopes of settlers, who poured out their hearts to him when their payments became over-due. Generally he granted extensions of time and deferred foreclosing on land, which during the depression was often no longer worth the amount of the loan. Max Hartwell claims that Swanston's inability to collect interest charges had reduced him by 1842 to 'financial impotency'.[95] Butlin considers that Swanston had thought the situation could be retrieved.[96] For a brief period in 1848 Swanston believed that the bank's difficulties had been overcome, encouraged by a revival of deposits, mainly local, but by early 1849 absentee investors were calling in their debts (contracted in the earlier boom period) on the ten-year loans falling due and demanding that their funds be sent to England.[97] It appears Swanston lost control of his own affairs as he desperately hoped for some miracle that would solve all his problems. The discovery of gold – the great saviour to the sister colony – was yet several years ahead.[98]

There is no doubt that in the beginning Swanston believed he could make his Van Diemen's Land business (including the Derwent Bank) as significant in world commerce as any of the large trading houses he knew. The attraction of land ownership and its produce, wool, in the island colony had set him up well in the 1830s, but the settlement of Port Phillip – in which he had been a catalyst – and then South Australia, diverted capital. Changing the Derwent to a mortgage bank in 1841 was a calculated risk based on the premise that land would retain its value and interest rates would remain more or less even. In hindsight, changing the Derwent Bank business model from a bank of issue to a mortgage bank was Swanston's

[95] RM Hartwell, *The Economic History of Van Diemen's Land 1820-1850*, (Melbourne, 1954), p 222.
[96] Butlin, 'Charles Swanston', pp 182-183.
[97] *Ibid.*
[98] The first payable gold was discovered in alluvial deposits at Mangana in the north-east of the island in 1852, R Bottrill and G Dickens, 'Gold Mining', *The Companion to Tasmanian History*, ed. A Alexander, (Hobart, 2005), p 163. It is noteworthy that in 1853 the leading entrepreneur in New South Wales, Thomas Sutcliffe Mort, gave the following toast at a Gold Anniversary Dinner: 'Gold is the mainspring of commerce; commerce is the forerunner of civilisation; and civilisation is the handmaiden of Christianity', TH Irving, '1850−70', *A New History of Australia*, ed. F Crowley, (Melbourne, 1974), p 139.

biggest mistake. At the time, his thinking seemed shrewd. Two foreign banks were entering his territory and the demand for land for wool-growing and agriculture was high. The mortgage bank model was built on concepts that have trapped businesses through to the present day – the finite resource of land and investments 'safe as houses'.[99] Swanston's assurance of 1835 that the banks 'were not in any way engaged in trade or in any speculation' and 'are so interwoven with the affairs of the colony that one cannot fail without the other' did not hold once the Derwent Bank became a mortgage bank.[100] Through mortgages, the Derwent Bank had been able to give colonists the opportunity to purchase or extend properties, build their homes, increase their flocks, sow their fields or build their fences. To overseas and other investors it offered what they thought to be rock solid security and high interest rates, similar to the rates prevailing in Britain and Europe at the time. But with the depression, real estate values declined and borrowers could not meet the interest on their loans. As Petrow notes, the Derwent Bank was headed for disaster.[101] Furthermore, the supply and demand equation on land changed when fine land became available on mainland Australia through squatting, followed by legitimate settlement around Port Phillip, while the Van Diemen's Land economy was still carrying the increasing financial impost of the convict system.[102]

At such a distance from the money markets of Europe, Swanston did not see the depression coming and, even if he had, he would have had no reason to think it could last five years: the economy of Van Diemen's Land had functioned previously as a series of peaks and troughs. Butlin – in 1943 the first historian to document Swanston's management of the Derwent Bank − made the point that a number of colonial banks failed in the same disastrous slump – the Australia, Sydney, Port Phillip, the Colonial and Archers Gilles & Co.[103] Butlin also said there was no reason to suspect Swanston's good faith. 'He had simply

[99] The Australian Prudential Regulation Authority is still analysing the lessons of the global financial crisis that ricocheted around the world in 2006. A confidential report, discussed on the ABC's '7.30' program on 4 April 2016, found that in the property boom of 2006, by lowering lending standards, Australian banks had been able to issue nearly three-and-a-half times as many loans as they otherwise could have. Under the law lending standards, about 14 per cent of the loans were not serviceable when they were approved. Transcript, 'Secret research by bank regulator reveals fears of recession,' http://www.abc.net.au/7.30/content/2015/s4437050.htm, accessed 4 April 2016.

[100] Swanston to Jardine, Matheson & Co, 1 June 1835, RS 9/3 (1), p 195, UTA.

[101] S Petrow, 'A Real Colonial Good'? – The Banks of Hobart Town, 1824−60', *Papers and Proceedings Tasmanian Historical Research Association*, Vol 57, No 3, 2010, p 201.

[102] As discussed in Chapters 3 and 4.

[103] *Ibid,* p 180.

ceased to distinguish the policy and affairs of the bank from his own interest and business,' Butlin contended.[104] With hindsight, the collapse of the Derwent Bank taking Swanston with it was inevitable.

A later insinuation that Swanston omitted to tell clients that the Derwent Bank was a partnership involving unlimited liability for every partner in the event of its failure is irrelevant.[105] The Derwent Bank was a joint stock company formed by a deed of co-partnership. It was not a limited liability company. The principle of limited liability did not enter business practice in the Australian colonies until after the era of the Derwent Bank.[106]

With such background, it is perhaps not surprising that a view has developed in historiography that Swanston was something of a rogue and a subversive power player in the last decade of the turbulent place called Van Diemen's Land. Suspecting a villain, some writers have looked for ulterior motives in Swanston's actions. In the first depiction of Swanston for a century, respected local historian Hudspeth adopted a sceptical tenor in his address to the Royal Society of Tasmania in 1948 and belittled Swanston's achievements and attempts to drag the colony into the commercial world of the mid-nineteenth century.[107] Hudspeth prepared his address to be a provocative, entertaining and preliminary attempt to put a human face on a bank manager then under discussion in the context of the re-discovery of the Derwent Bank letterbooks. The problem is that many misleading claims in Hudspeth's article have become conventional wisdom over the last sixty-nine years.

Hudspeth's deprecation includes, for example, the claim that in India Swanston 'led the ordinary life of a young subaltern, hunting and shooting in his spare time'.[108] The facts are that in his youth Swanston led no ordinary life. He worked so diligently surveying Mauritius

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[104] *Ibid*, p 181.
[105] WH Hudspeth, 'The Rise and Fall of Charles Swanston', *Papers and Proceedings of the Royal Society of Tasmania*, (Hobart 1948), p 4.
[106] TF Bathurst explains that in 1855, the British *Limited Liability Act* was passed. It applied to registered companies and not partnerships. Some attempts at limited liability in the Australian colonies preceded this. In 1848 New South Wales passed legislation allowing for the incorporation of banks, mining insurance company and shipping companies, with limited liability to twice the nominal value of shares held. In 1853 and 1854 NSW and Victoria respectively introduced legislation recognising limited liability partnerships. These Acts were little used and were subsequently repealed by the Companies Statute 1864 (Vic) and Companies Act 1874 (NSW). TF Bathurst, Chief Justice of New South Wales, 'The Historical Development of Corporations Law', Francis Forbes Society for Australian Legal History introduction to Australian Legal History Tutorials, Sydney, 3 September 2013, http://www.austlii.edu.au/au/journals/NSWJSchol/2013/34.pdf, accessed 7 November 2015.
[107] Hudspeth, 'The Rise and Fall', pp 1-16.
[108] *Ibid*, p 1.

that he was rewarded at the British Court, he was a hero of Corygaum, captured the inveterate enemy of the British, Trimbuckjee Dainglia, and suffered the effect of war wounds for the rest of his life.[109] The claim that it did not take Swanston long 'to realise that the Royal road to success lay in obtaining money from abroad at a comparatively low rate of interest and lending it out at a very favourable profit' is rhetorical colouring.[110] This was standard business/banking practice. Hudspeth chastises Swanston for omitting 'to state that the Bank was a partnership involving unlimited liability for every partner in the event of its failure', but, as discussed above, such a consideration was not relevant in the period.[111] Hudspeth's comment that 'the Rake's progress went merrily on, with Swanston sitting in his chair, chanting his refrain of 13, 14 or 15 per cent' also deserves comment because in this Swanston was doing what he was paid to – building the Derwent Bank's capital.[112] These rates were not inconsistent with interest rates being charged in Britain. As shown in Chapter 2, Swanston did lower rates to eight-and-a-half per cent responding to demand during the depression. The expression 'the rake's progress' adds another slur on Swanston's character.

The 'outburst of regret' that Hudspeth refers to was Swanston confiding in a letter to long-time friend William Hamilton about his disappointments, which any man is entitled to do.[113] In reference to Swanston's last attempts to save the Derwent Bank by asking for financial help from the Bank of Australasia and the Union Bank, Hudspeth writes 'This must have been particularly galling for a man of his temperament'.[114] But Hudspeth's perception of Swanston's temperament is based on GTWB Boyes's description of Swanston being that 'arrogant, proud, conceited and officious man' and, as noted below, Boyes had few good words for anyone.[115] Besides, it was, and still is, galling for any man to beg for financial help, no matter what his temperament. Adding further insult to these judgments is Hudpeth's terminology which peppers the article. This includes 'his own pet scheme' and 'his will-o-the-wisp, the Port Phillip Association!' which were both references to the association that led the settlement of Melbourne; 'self-deluded optimists' referring to members of the association; and 'primitive inhabitants', 'guileless savages' and 'dusky members' referring to

[109] Detailed in Chapter 1.
[110] Hudspeth, 'The Rise and Fall', p 3.
[111] *Ibid*, p 4.
[112] *Ibid,* p 13.
[113] *Ibid*, p 14.
[114] *Ibid*.
[115] *Ibid*, p 11.

the Aboriginal owners at Port Phillip.[116] In the absence of a more comprehensive study, Hudspeth's portrayal of Swanston has remained the final word.[117] The medium of the internet maintains its currency.[118]

Kathleen Fitzpatrick was another who readily accepted Boyes's description of Swanston and repeated Boyes's view of the whole Arthur faction as 'a dirty pack of unprincipled place-hunters'.[119] Yet she made light of Boyes's reservations about Franklin, remarking that 'Boyes did not love the human race. Crowds of people flit and recur through the pages of his diary but he spoke well of very few of them'.[120] Fitzpatrick accepted Sir John and Lady Franklin's view that the reason Montagu and Swanston opposed their college proposal was simply about the site, rather than concern about the bigger question of religious domination by the established church.[121] Fitzpatrick also implied that Swanston's efforts to have the silver rupee made legal tender in Van Diemen's Land was an extension of his position of privilege when in fact it was a welcome strategy to overcome the dire shortage of currency in the colony.[122]

Craig Joel introduces Swanston as an influential member of the Arthur faction and a close friend of Montagu, and claims Swanston played 'an active, albeit non-public role in the government of Van Diemen's Land'.[123] This last quote skips the reality that Swanston was a member of the Legislative Council – one of its longest serving – and therefore was a public figure with a public responsibility. Joel claims that after Franklin had been humiliated by the contents of Montagu's book, Swanston assumed a more prominent role in the Arthur

[116] *Ibid*, Such terminology is found on pp 5, 9 and 7.
[117] Admittedly, in a letter written by Hudspeth to Swanston's descendent, Dr Charles Swanston of Auckland, New Zealand, dated 9 February 1952 – four years after his paper – Hudspeth states that since writing the paper, further information about Swanston's career, before Tasmania, had come into his possession. He does not amplify on what the information revealed. In the same letter, Hudspeth records that he had received a copy of an old portrait of Swanston through Miss Gwenn Peyton-Jones, WH Hudspeth to C Swanston, 9 February 1952, RS 3/1 (2), UTA.
[118] Hence factual errors also tend to be perpetuated, many small, but a couple more significant, like the claim that Swanston arrived in 1829 with £10,000 (at best, probably paper securities that disappeared with the collapse of Palmer & Co) and that he purchased 'Fenton Forest' – as Elizabeth Fenton documents, the sale fell through and Michael Fenton bought the property, explaining the name.
[119] K Fitzpatrick, *Sir John Franklin in Tasmania 1837–1843*, (Melbourne, 1949), p 135.
[120] *Ibid*, p 134.
[121] *Ibid*, pp 185-187. On page 186 Fitzpatrick writes 'For some reason that has never been quite clear, the 'Arthur faction' was implacably hostile to the project of Christ College'.
[122] Fitzpatrick, *Sir John in Tasmania*, p 20.
[123] CR Joel, *A Tale of Ambition and Unrealised Hope,* (North Melbourne, 2010), p 88.

faction and 'revelled' in its continued influence.[124] Far from 'revelling', Swanston put himself out on a limb defending Montagu when it was recognised that he, of all Montagu's friends, was the only person free to do so because the others were all civil servants. Joel claims: 'Having no particular political agenda or allegiance other than his personal and financial relationship with prominent faction members, Swanston was difficult to control, which did not help Franklin's cause when he formed a deep opposition to the governor.'[125] Joel's conclusion – perhaps influenced by the characterisations of Swanston referenced above – is contrary to evidence of Swanston's constant struggle for good governance and colonial self-sufficiency, described in Chapters 3 and 4.

Swanston was one of the longest serving 'non-official' members of the Van Diemen's Land Legislative Council. The powerful influence he exerted during his sixteen years as legislator stemmed from his capabilities, his wide network and his knowledge of other leading citizens and all their business. His alignment with the respected and hospitable Anstey added to his authority and the two appeared to see their status above most of their council colleagues. Certainly by the early 1840s Anstey considered himself 'father of the house'. He referred (at least privately to Swanston) to colleagues Archer, William Ashburner and William Effingham Lawrence as 'the three northern lights' and to Captain Michael Fenton of 'Fenton Forrest' as 'fake-away Fenton'. [126] Of Richard Willis of 'Wanstead', he was unmerciful, seriously concerned about Willis' mental acuity before he returned to England.[127] He recorded the travails of Oatlands surgeon, Dr John Maule Hudspeth (1792−1837), whose life ended

[124] *Ibid,* p 293.
[125] *Ibid*, p 289.
[126] Anstey to Swanston, 29 July 1839, Box 4/3,*Derwent Bank Papers*, TAHO; 3 June 1839, Box 32/14, *Derwent Bank Papers*, TAHO. Ashburner and Lawrence were both appointments of Franklin in 1838; Anstey to Swanston, 7 August 1843, Box 3/4, *Derwent Bank Papers*, TAHO; 19 December 1844, Box 32/14, and 12 Feb 1844, Box 24/10, *Derwent Bank Papers*, TAHO. In the latter letter Anstey told Swanston he had declined the invitation from Eardley-Wilmot to take a bed at Government House during his next stay in town on Council matters, adding: 'I have also expressed my confident hope that – as there will now be eleven members present, without me, His Excellency will take into his consideration my patient endurance of the suffering so long inflicted upon myself and others by the Speeches of Fenton and Co last month, and retrieve me from a repetition of that torture.'
[127] Anstey to Swanston, 28 & 31 December 1835; 25 January, 29 September & 23 November 1836; 16 February 1837, Box 32/9, *Derwent Bank Papers*, TAHO. Anstey was appalled by Richard Willis' treatment of his daughter, Marianne, after her husband, Captain William Sergeantson, was killed by bushrangers in 1835. Willis apparently tried to take over the Sergeantson's property, 'Hanlith', and charged his daughter board for staying at 'Wanstead' with her two babies. Anstey attempted to help Richard Willis sort his financial and family problems and told Swanston 'I wish you could find someone from Rupee Land willing to rent Hanlith.' With gallows humour he recounted Willis's misery after taking a dose of turpentine for an affliction of worms, 4 September 1837, Box 32/10, *Derwent Bank Papers*, TAHO.

prematurely leaving a young family, and held a high opinion of Police Magistrate John Whitefoord, on a rented farm nearby, who was related to newspaper editor William Gore Elliston, an active conduit of political information which Anstey was known to tap.[128] Anstey's eye also fell on Midlands neighbours, the Bisdees, of whom Edward Bisdee served in Eardley-Wilmot's temporary council in 1846. Anstey called the four Bisdees 'cadets of the Baronial family DeBis' and frequently quoted 'Baron de Bis' when alluding to the more conservative attitudes of Midland settlers.[129] In the absence of Swanston's side of the correspondence, we cannot assume he always agreed with Anstey's characterisations, but we can be confident that Anstey would not have continued using them if Swanston ever censured him.

Swanston took seriously his role as an advisor on estimates and money matters and his expertise was acknowledged. He had a good working relationship with Arthur, and was able to influence the administration on banking matters. He was instrumental in broadening the currency base by having precious metal-based foreign currencies introduced as legal tender. Throughout his time as legislator he was passionate about improving education and although he, like Montagu, disagreed with the detail of Franklin's education plans (especially the planned college at New Norfolk), he advocated more universal availability of education. He advocated and succeeded in promoting all denominations of Christianity rather than the more narrow focus on the Church of England. Two major educational initiatives in his time – the fund-raising for the building of Hutchins School and proposals to build a similar school on non-denominational lines – won his support.[130]

Swanston's perpetual complaint about money derived in the colony being spent on the upkeep of British felons began in his first session on the Legislative Council in October 1833 when he protested about revenue from land sales going back to the British Exchequer rather than being spent on public works in the colony. He could not have foreseen that this

[128] Anstey to Swanston, 18 December 1834, 9 May 1836, Box 32/9; 27 May 1839, Box 32/14, *Derwent Bank Papers*, TAHO; Anstey to Swanston, 17 January 1835, Box 32/9, *Derwent Bank Papers*, TAHO; GH Stancombe, 'Whitefoord, John (1809−1892)', *ADB*, Vol 2, (Melbourne, 1967), p 595.
[129] Anstey to Swanston, 21 June 1845, Box 11/27, *Derwent Bank Papers*, TAHO.
[130] As previously mentioned, in June 1841 Swanston was treasurer of the committee appointed to raise funds for a school to commemorate the life of Church of England Archdeacon, the Venerable William Hutchins. Forster and Montagu were also members of the committee. In November 1843 Swanston presented to the Legislative Council a petition calling for the establishment of an institution for educating the youth of the colony, open to all classes and denominations of the community, *Colonial Times*, 7 November 1843, p 3.

issue would grow to be the cause célèbre leading into the constitutional crisis of late 1845, leaving the government without six of its members and without an appropriation bill.

As discussed in Chapters 3 and 4, after experiencing the decisiveness of Arthur's administration, Swanston came to consider Arthur's successor, Franklin, inadequate for his high office. The main criticism levelled at Swanston during his whole career as legislator related to his actions to defend Colonial Secretary Montagu after Montagu's suspension by Franklin. Some very serious accusations were made against him at the time, for example, that he had breached the oath of allegiance in 'publishing' or circulating Montagu's book, and these criticisms have been perpetuated often since. The fact that Franklin's secretary Hartwell Henslowe investigated the case for Swanston possibly being charged for libel – or perhaps a more serious charge – even going as far as asking the Chief Justice and other lawyers to inquire, but could not find sufficient evidence to do so, has been overlooked.[131]

Swanston's effectiveness during the Eardley-Wilmot years faltered when the Lieutenant-Governor put forward estimates that Swanston and other MLCs could not, or would not, endorse. When the problem continued under Sir William Denison and Swanston felt his power-base slipping and the futility of his efforts, he resigned. His retirement from the Legislative Council was marked in the press by such comments as him being 'a true friend of the people', 'the ablest member of the Legislative Council', and having firmly adhered to what he considered right and fought to achieve what he considered his duty.[132]

There was one adversary Swanston confronted for many years, Thomas Gregson, but in the last years of Swanston's political career the two aligned – in strained camaraderie – in opposition to the colony's revenue being eaten into by the cost of police and gaols. Both were lauded among the 'Patriotic Six.' In their younger days the two men in character were the antithesis of each other. Gregson was a brilliant figure in the small but smart society of Hobart Town.[133] John Reynolds emphasises that inhumanities and injustices of any sort drove Gregson into a rage which often found vent on the offender with his command of

[131] Correspondence received relating to the suspension of the Colonial Secretary and the Solicitor General, 1841–43, GO45/1/1, TAHO. Chapter 4 provides more detail.
[132] *Guardian or True Friend of Tasmania,* 9 August 1848, p 2; *Cornwall Chronicle*, 16 August 1848, p 2; *Colonial Times*, 8 August 1848, p 3.
[133] J Reynolds, 'Premiers and Political Leaders', *A Century of Responsible Government 1856–1956*, ed. FC Green, (Hobart, 1956) pp 117-119; FC Green, 'Gregson, Thomas George (1798–1874)' *Australian Dictionary of Biography*, (hereafter *ADB*), Vol 1, (Melbourne, 1966), p 475.

invective, bitter tongue and even physical assault. However, his humane outlook and advanced ideas made him the prophet of the later Tasmanian progressives. He was a foremost protagonist for free settlers' liberties and when Arthur determined to maintain the island as a prison, Gregson opposed him at every turn. Writing around the same time as Reynolds−1955− Robert Brain also painted Gregson as a radical and demagogue, with an impulsive and egotistical nature satisfied by political agitation.[134] His action in drawing up a petition to the King to keep the Governor William Sorell in Van Diemen's Land was unprecedented in the history of Britain's colonies.[135] His prime motivation appeared to be to rid the colony of what he saw as the 'Montagu clique'. Curiously, Gregson did not appear motivated by the accumulation of property. He maintained cordial relations with Sir John and Lady Franklin.[136] On the other hand, Swanston had a calm, calculating disposition, strong military-schooled self-discipline, did things according to established protocols and was driven by the accumulation of wealth. Both hailed from Northumberland, England, and both were interested in horse breeding and horse racing, appreciated the arts and education and were men of style. No doubt, competition for social standing affected their early relationship.

The height of their animosity coincided with the scandal surrounding the circulation of Montagu's book, and culminated in the libel case that Gregson fought against Swanston's first cousin and lawyer, John Dobson, in 1844. The latter situation traced back to July 1842 when Dobson complained to Franklin about Gregson's appointment to the Legislative Council, maintaining that if an enquiry were held into some of Gregson's former land dealings and his subsequent appearance before arbitration, His Excellency would be convinced of the necessity of immediately removing Gregson from the council.[137] The case, in which Gregson defended himself and Dobson was represented by Edward Macdowell, came up under the administration of Eardley-Wilmot. It occupied the colonial court for an entire seven days in March 1844 and was followed closely by the population. The verdict

[134] RJ Brain, 'Thomas Gregson: A Tasmanian Radical', MA Thesis (not submitted), University of Tasmania, 1955, pp 1-10. Brain's study of Gregson is discussed also in Chapter 3. Historian Lloyd Robson concurred with Brain's assessment, writing that Gregson was 'a troublemaker, unreconstructed radical or compulsive agitator for his right to do whatever he thought best, whichever way you looked at it.' LL Robson, *A History of Tasmania*, Vol 1, (Melbourne, 1983), p 319.
[135] *Ibid*, p 12.
[136] According to Brain, Gregson did become disillusioned with Franklin, writing that he was a fool, although 'not a bad man at heart', Brain, 'Thomas Gregson', p 61.
[137] *Courier*, 29 March 1844, p 4; *Launceston Examiner*, 30 March 1844, p 3.

pronounced against Dobson and the amount of his fine – £5,000 – startled everybody. Swanston chafed under the judgement. Forster sympathised, writing from the north of the island that he was not surprised at Swanston being anxious at the charge − the amount of the verdict 'astonished' him.[138] Forster said he was more surprised by the names of the jury and how Macdowell could possibly have trusted his case to such a set. Forster informed Swanston that 'Mr Gregson has had a strong hint that he must keep out of rows'.[139] Forster also indicated that Swanston was concerned about his reputation, as well as his pocket, in writing reassuringly: 'In this part of the world all is quiet and Dobson v Gregson is not even mentioned.'[140]

This libel case was pending in mid-1843 when the revelations of Montagu's book were causing such a sensation.[141] Gregson was quarrelsome and litigious, but calmed down after the verdict went his way and apparently decided to make peace under a common banner. These were mercurial times in the political life of Van Diemen's Land. Keeping up with changing allegiances was challenging for everyone. One wit expressed astonishment at how one honourable gentleman in council was now calling another his 'honourable friend', the very person who had publicly said the only bad act in Franklin's administration was disgracing the council by introducing him.[142] 'Dear me, what funny things faction does', the anonymous person wrote. 'The best way to reconcile bitter enemies is to put them into the Legislative Council, shake them up well together, and out they come "honourable friends". Queer times, Mr Editor.'[143]

Expunged

For a long time after Swanston's financial failure, his death at sea and the dispersal of his family, his story lost significance. As a consequence, Swanston's role in the development of Port Phillip was almost forgotten, while the men he helped establish on those lush pastures claimed the status of founders of a British colony.

[138] Forster to Swanston, Sunday, nd, while travelling in the north of the colony, marked 'Private', Box 4/12, *Derwent Bank Papers*, TAHO.
[139] *Ibid*.
[140] *Ibid.*
[141] Discussed in detail in Chapter 4.
[142] 'Rigdum Funipos', Letter-to-the-Editor, *Colonial Times*, 19 August, p 3.
[143] *Ibid.*

Fisher, sent out by George Mercer to oversee Mercer's properties in Van Diemen's Land, is a case in point. As mentioned in Chapter 6, when invited by Lieutenant-Governor Charles LaTrobe to contribute to the history of Victorian pioneers that LaTrobe intended to write, Fisher avoided mentioning that Swanston was responsible for him going there.[144] He claimed the first shipment of sheep that Swanston sent from Van Diemen's Land to Indented Head were his own, as well as the 1,000 strong flock lost at Western Port when Robert Mudie drowned.[145] Fisher calls the two shepherds killed by Aboriginals, William Gunskin and James Moren, 'his men' and completely omits to say that he ventured to Van Diemen's Land and then to Port Phillip as overseer and on the payroll of Swanston's client, Edinburgh investor George Mercer. His account includes an audacious statement about the reconnoitre that Swanston sent him on in 1836:

> Being now satisfied that sheep farming would prove a profitable speculation in the New Land, as Port Phillip was then called in Van Diemen's Land, we entered into a co-partnership to carry it out extensively. In this we were joined by Messrs Swanston, Mercer, and Learmonth, and purchased up the shares and interest of the Van Diemen's Land Association. We took the style and title of the "Derwent Company."[146]

Swanston long before had recognised the suitability of the country for sheep grazing. The inference that 'we' arranged a co-partnership is extraordinary given that Swanston conceived the idea of forming the Derwent Company from the remains of the Port Phillip Association, rearranged the shares and enticed Fisher to be company manager.[147] Fisher was seemingly unaware of shortcomings in his management identified in early 1839 by Learmonth and Swanston, (see chapter 6). Fisher's sins of omission – occurring only seventeen years after his first visit to the New Land – could be the result of memory loss, but more probably due to the fact that by 1853 Swanston's reputation had been so badly tarnished that no-one wanted to acknowledge either him or his contributions.[148]

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[144] D Fisher to LaTrobe, 21 September 1853, *Letters from Victorian Pioneers*, ed. TF Bride, (Melbourne, 1898), pp 11-12. Fisher writes that he was 'induced' to send sheep to Port Phillip by flattering accounts of fine grazing land.

[145] A section of JT Gellibrand's diary, written in 1836 and published in the same volume provides a more accurate account of the arrival of the sheep sent by Swanston.

[146] Fisher to LaTrobe, *Letters from Victorian Pioneers.*

[147] More details of Swanston's offer to Fisher are provided in Chapter 6.

[148] Fisher's memory may have been defective as PL Brown notes that Fisher claimed he built 'the first house in Geelong worthy of the name', when Dr Thomson claimed that he constructed it and also implied that his own

Recollections of George D Mercer (son of George Mercer of Edinburgh) and Thomas Learmonth junior in the same collection similarly avoid Swanston's name, although both make reference to the Derwent Company.[149] These ambitious, adventurous men – coincidentally all Scots – knew that banks could, and did, fail. It was hard for them to accept that they had been close associates of Swanston whom they had trusted as adviser and banker. With the awful collapse of the Derwent Bank and Swanston's sudden departure from the colony, businessmen in Van Diemen's Land and many parts of the globe had to come to terms with their losses and frustrations in the absence of a culprit to blame. How Anstey must have felt, as a director of the bank, at the last seemingly unaware of the true situation of its reserves, and with the impact on his own funds, is unimaginable. No doubt Anstey choked on remorse for the remaining six months of his life.[150]

house 'Kardinia' across the river had been erected earlier. PL Brown, *The Clyde Company Papers*, Vol 3, 1841−1845, (London, 1958), p 636.

[149] GD Mercer to La Trobe, 22 August 1853, *Letters from Victorian Pioneers*, pp 154-157, T Learmonth to LaTrobe, 11 August 1853, *Letters from Victorian Pioneers*, pp 37-43.

[150] Anstey died at 'Anstey Barton' on 23 March 1851, aged 74.

CHAPTER 9: CONCLUSION

This biography of Captain Charles Swanston does more than reveal the life of a colourful, significant and under-studied leader in Van Diemen's Land. It reflects the motivation and aspirations of men of enterprise who emigrated in the early to mid-nineteenth century to build their futures in a remote island colony on the other side of the earth. It highlights the importance of their personal and commercial networks and links across the globe. The study depicts the merchants' struggles and frustrations – on personal and public levels – as well as providing some poignant glimpses of the experiences of their wives and families. Swanston's story of enterprise, struggle and thwarted ambition is a familiar one in Australian history. It helps the hard facts and £ signs of economic and political history to be understood in the context of human endeavour. It contains the dimension of failure that makes us confront the pain, humiliation and desperation of an individual and to perceive the impact on his family. Those who fail rarely have their life story written: even details of temporary failure are often rolled under the carpet.

The concept of merchant statesman has been used as a tool for explaining and assessing Swanston's influence, and for breathing life back into a figure who died 167 years ago. While a biographer must be cautious of overstatement, the fact is that Swanston was not an ordinary fellow. He aimed higher than most of his contemporaries. When he fell, it was further. The previous chapters have illustrated the intellectual and social capital he brought to Van Diemen's Land − his talent as banker and financier, statesman, merchant, entrepreneur and his ability to take a bird's-eye view of a whole situation 'like the general of an army'.[1] Swanston crossed continents and oceans, escorted ambassadors and bishops, rubbed shoulders with princes and untouchables, philosophers, explorers, nabobs and governors. At twenty-three, he was received at the English Court and rewarded by the 'Grand Old' Duke of York for his faultless military survey of Mauritius. He earned the heroic name of 'Corygaum Swanston' in the bloody battle of 1818 and captured the audacious enemy of the British, Trimbuckjee Dainglia. He knew the workings of the modern world, wrote confidently to the highest eminence in any land, and from Van Diemen's Land became known throughout the world of trade as a prominent entrepreneur, financier,

[1] See Chapter 1.

legislator and statesman. That Swanston was a human powerhouse is demonstrated by the fact that the enterprises and activities outlined in these chapters were compacted into the time-frame of just twenty years in Hobart Town, including his preliminary nine-month visit on leave from Madras.

Despite his experience, Swanston was not a radical. He was loyal to the throne and the traditional institutions of Britain. His friendship and business networks revolved around common adherence to principles of independence, adventure, free trade, fairness and democratic processes. His army training had taught him about authority and discipline and brought out his personal courage. His expertise was finance, in demand by all governors throughout his long service on the Legislative Council. He was an advocate of greater transparency in government and his broad social values were applied to much of the legislation before the chamber. There is no doubt that he was tough and determined. There was, however, an element of snobbery and superiority in his attitude towards convict servants, shepherds and labourers. Historian John West characterised Dr John Henderson − Swanston's acquaintance from India, who founded the Van Diemen's Land Society in 1830 − as being 'sultanised' by living in India, and this characterisation no doubt applied in some degree to Swanston.[2] Writing of Henderson, West said:

> He was attached to the spirit of its government; the legal formalities, which delight an Englishman, seemed to him the degradation of rank, and a pernicious license to inferiors. In his imaginary commonwealth, he saw but two classes, which, in the language of the East, he distinguished as 'the head and the hand'. He thought the judges should be required to aid the governors by their interpretations of the law; who, at the close of their administration, might be tried by their peers, and, if found wanting, handed over to everlasting shame! Thus, his plan embodied the spirit of caste, of orientalism, and of the India House. He had no simpering tenderness for the prisoner, while he attributed to the upper classes an innate rectitude and self-control, such as the British records of the East will hardly sustain.[3]

Swanston's actions on the Legislative Council, and in particular, his correspondence with Thomas Anstey, demonstrate that he was not as elitist as Henderson – nor an apologist for the government − and had left some class/caste consciousness behind.

[2] J West, *History of Tasmania*, Vol 2, (Launceston, 1852), p 273-274. In this instance, West was writing about Henderson's views on 'convict government'.
[3] *Ibid.*

Swanston's business model was based on growth. When the economic depression hit the Australian colonies in the 1840s, growth faltered. The mortgages held by his Derwent Bank became greater than the value of the secured properties and his model collapsed. He had placed excessive confidence in what he considered as the unassailable security of land. The crash was not due to profligacy, mismanagement or neglect, but to a business model that could not be sustained in a changing economic climate. Once the capital of the Derwent Bank became land and property held in mortgages and falling commodity prices forced land values down, no amount of new speculation could retrieve his fortune. With hindsight, it can be seen that capitalists such as Swanston did not perceive the limits on Hobart Town's economic growth, perhaps because the symptoms were masked by the universality of the 1840s depression.

The depression, following the slump in the British wool manufacturing industry and felt in Van Diemen's Land between 1841 and 1846, was more severe and damaging in the island colony as Hobart Town's strategic place in the trade routes declined in favour of the mainland ports.[4] The depression affected all colonists, including the elite and the leading merchants. The hardship of the depression, coupled with the limits on arable land, drove people out of the island if they had the means to establish themselves elsewhere, usually Port Phillip or South Australia.

Had Swanston, with Arthur's backing, succeeded in absorbing the new developments of Port Phillip into the Van Diemen's Land economy, his fate may well have been different. Similarly, had he abandoned his commitments on the island and followed the push to Port Phillip with its wider horizons, he might have survived. Whether his personal debts to the bank were already too heavy for him to discard, whether it was an attachment to his home, or whether he really did consider the honourable path was to continue his efforts in the Legislative Council and to protect the bank's clients will never be clear. Quite likely, all three factors played a part.

[4] Barrie Dyster defines the slump as 'the first of Australia's great depressions' and says it visited unemployment on thousands of families and bankrupted hundreds of business and trades people in the Australian colonies and in colonial New Zealand. B Dyster, 'The 1840s depression revisited', *Australian Historical Studies*, Vol 25, 1993, p 589.

Until now an account of Swanston's activities has reverberated down the decades like a cautionary tale about the rise and fall of a bold and incipient capitalist whose greed eventually got the better of him. Swanston's once very prominent reputation has never been recovered. As already emphasised several times, Swanston's character was not without flaws. It is apparent that Swanston's business acumen occasionally shaded into sharp practice and that he maintained aloofness perceived as disdain by some fellow settlers. However, acknowledgement of Swanston's obvious faults does not explain how and why this man so powerful and prominent in his era has been relegated to the shadows of history. No doubt remembrance was hindered initially by the anger of clients and the disgrace surrounding the failure of the Derwent Bank. No doubt a respectful distancing followed Swanston's mysterious death at sea, perpetuated as Swanston's former associates shed the cloak of Van Diemen's Land convictism and sought to put any shady implications behind while they established themselves in a new social and economic order as Tasmanians in the new decade. There is also the fact that none of Swanston's progeny remained in the colony after his demise to protect his reputation.

Swanston's demise raises the question of what then happened in Van Diemen's Land and who came after him. Historian John Reynolds suggests that Thomas Daniel Chapman (1814−1884) and James Milne Wilson (1812−1880) could be considered as merchant statesmen of the next generation in Tasmania.[5] Both were involved in community affairs and were up-and-coming men during Swanston's period, rising to make their mark in public life following the introduction of responsible government in 1856. However, from the late nineteenth century, the tradition of merchant statesmen gradually disappeared, to be superseded, as noticed by Liverpool industrialist Samuel Smith, by the 'days of syndicates and limited liability'.[6]

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[5] J Reynolds, 'Premiers and Political Leaders', *A Century of Responsible Government 1856−1956*, (Hobart, 1956), pp 126-132 and 140-142. JM Wilson, engineer, brewer and businessman, was elected to the Legislative Council in 1859 where he stayed until his death, serving a concurrent term as Mayor of Hobart 1868−69. He was Tasmanian Premier 1869−1872. As well as his distinguished parliamentary career, including terms as Premier and Treasurer, TD Chapman owns the distinction of holding the prestigious position as agent for Lloyd's in Hobart Town between 1842 and 1866, E Robin, 'Lloyd's: Australian beginnings in pioneer globalisation', *Papers and Proceedings Tasmanian Historical Research Association*, Vol 61, No 2-3, 2014, pp 138, 143-144.

[6] S Smith, *My Life Work*, (London, 1902), p 36, quoted in S Chapman, *Merchant Enterprise in Britain from the Industrial Revolution to World War 1*, Vol 1, (Cambridge, 1992), p 3. See also Smith's fuller quotation in Chapter 5.

In summary, Charles Swanston had responded to the dynamics of economic times by keeping abreast of the changes and seizing opportunities for himself and his family in their adopted country. He understood the need to heave the island colony from its penal past to ensure its future viability. This biography has shown how he pressed for the development of public infrastructure, roads, bridges, port facilities, water supplies and educational institutions. He introduced new concepts in banking. He was prepared to turn his hand at almost any new speculation – from supporting the scheme to settle Port Phillip to growing crops of flax and tobacco. He enjoyed innovation and seized on modern inventions from hydraulic wool presses to patent writing machines. The latest in fashion decorated his home. Exotic plants featured in his gardens and modern literature in his library. Swanston had no difficulty in attracting investors for his many schemes, nor in gaining support in the colony for the political reforms he did champion. In the tradition of merchant statesmen, he had influence, charisma and the capacity to recognise a good opportunity.

Legacy and Aftermath

The legacy of Swanston and his circle was the foundation of a private sector economy, the emergence of democratic and social institutions, and the settlement of Victoria. In a literal sense and somewhat against the odds, Swanston's mansion 'New Town Park', in the suburb of New Town, Hobart, stands as a touchstone to his story.[7] Its grandeur survives as well as a couple of the grape vines and several ancient trees. Again, emphasising the haphazard nature of preservation of the past, it was considered 'a place at risk of neglect' before being purchased by the present owner, architectural historian Warwick Oakman, in 2001.[8] Across the gully nestles 'Runnymede', built by lawyer Robert Pitcairn on land purchased from Swanston. 'Runnymede' was acquired by the Tasmanian Government in the 1960s and entrusted to the care of the National Trust for public benefit.[9]

[7] As mentioned in Chapter 7, 'Swanston House (former "New Town Park")' is listed on the Tasmanian Heritage Register, http://heritage.tas.gov.au/Documents/THR%20as%20at5Jan2016.pdf, accessed 5 March 2016.
[8] *Pers com*, Warwick Oakman, 1 February 2017. Its outbuildings had been demolished in 1957 and it was the fine craftsmanship of the stonework that prevented the entire building from going. By then, much of the land remaining after the bankruptcy sale of 1850 had been broken up by the government for the building of a hospital and road extensions.
[9] Pitcairn had called his home 'Cairn Lodge'. Before its purchase by the government 'Runnymede' had been occupied by the descendants of a subsequent owner, Captain Charles Bayley, for more than century.

Swanston's network of friends, political colleagues and business partners – the people he relied upon − began to disintegrate around mid-century, heralding the end of an era of the adventurous, educated pioneer settlers and speculators. Correspondent and long-serving fellow legislator Thomas Archer, who had been unwell for some years, died at 'Woolmers' six weeks after Swanston. Colonial Secretary James Bicheno, with whom Swanston had shared political concerns and the love of a good wine, died in Hobart Town in February 1851, and the following month sage and confidante Thomas Anstey passed away at 'Anstey Barton', aged 74.[10] John Montagu and George Mercer died in 1853 and Sir George Arthur in 1854. Sir John Franklin had died in 1847 in his search for the North-West Passage, although this fact was not known when Swanston took his own final voyage.

Swanston's solicitor cousin, John Dobson (1800−1865), who had followed him to Van Diemen's Land in 1834, established a legal practice in Hobart still extant as Dobson, Mitchell and Allport. Dobson's family included three illustrious sons, William Lambert Dobson, Alfred Dobson and Henry Dobson, all of whom inherited their father's passion for law and politics and were prominent in public life.[11] John Dobson's sister (Swanston's female cousin), Jane Jeffreys Smith and husband, Arthur Smith, of 'Beaufront' near Ross, returned to England in the 1850s. Swanston's ambitious soldier and engineer brother-in-law, Frederick Henry Alexander Forth (1808−c1876), left a tangible legacy of brick and stone in Van Diemen's Land constructed by convicts under his supervision, including the famous 'Red Bridge' at Campbell Town. He served as Lieutenant-Governor at Turks Island in the West Indies before concluding his distinguished public career as Colonial Treasurer and Councillor in Hong Kong.[12]

After the death of Swanston's eldest daughter, Laura, in December 1849, her bereaved husband, barrister Edward Macdowell, moved to Victoria with their children in 1855.[13] Laura's mysterious but well-established place within the large Swanston family points to a

[10] Not only did Anstey have to bear the embarrassment of the Derwent Bank collapse, but the death of his daughter, Julia (Mrs John Doughty), aged 25, on 3 June 1850 and then her infant daughter, Julia, three weeks later. *Courier*, 5 June 1850, p 2; *Courier*, 29 June 1850, p 2.
[11] EM Dollery, 'Dobson, Sir William Lambert (1833−1898)', *ADB*, Vol 4, (Melbourne, 1972), p 78.
[12] *Mercury*, 15 December 1876, p 3.
[13] L Green, 'Macdowell, Thomas (1813−1868)', *ADB*, Vol 2, (Melbourne, 1967), p 164.

private chapter, perhaps a true love, in Swanston's youth.[14] All of Swanston's eight children with Georgiana reached adulthood, married and had families, and five settled in the Australian colonies and New Zealand. The eldest son, pastoralist Charles Lambert Swanston, moved from Victoria in the 1870s to the central western district of New South Wales, where he was respected as a member of the Burrowa (Boorowa) Land Board before dying at Forbes at the age of seventy-four.[15] The adventurous Bob Swanston lived a life as colourful as his father's. After several years on the goldfields of California and Canada, he left San Francisco for Samoa in 1856 in company with Jonathan S Jenkins, a friend taking up appointment as American Consul.[16] From Samoa, Bob went to Fiji where he acquired land, imported sheep and grew cotton and was instrumental in developing constitutional government in Fiji.[17]

In the Indian Army, both Oliver and Nowell rose to the rank of Major-General before retiring to England. Kinneir moved from Victoria to New Zealand where, with Swanston, Willis & Co, he worked runs in the region of Otama, Wendonside and Switzer's on the South Island. 'Run 194' was operated as the home station.[18] Daughter, Kate, and son-in-law, Edward Willis,

[14] Swanston's mother's will confirms that Laura was Swanston 'natural' daughter, copy of Rebecca Swanston's Will, *Derwent Bank Papers,* Box 21/14, TAHO. Laura's death notice confirms that she was born in 1813, *Tasmanian Names Index,* RGD35/1/2 No2749, TAHO. This date indicates she was born after Swanston's home leave in England in 1812 when he presented his map to the Duke of York. Her maternity, how she was nurtured and where she was before arriving in Hobart Town has not been discovered. That Swanston took responsibility for Laura is undeniable.

[15] *Goulburn Herald*, 20 July 1891, p 2; *Sydney Morning Herald*, 18 August 1897, p 1; *New South Wales Register of Births, Deaths and Marriages*, Registration No 8069/1897, https://familyhistory.bdm.nsw.gov.au/lifelink/familyhistory/search/result?3, accessed 14 February 2017.

[16] 'Robert Sherson Swanston', *Autobiographies and Reminiscences of Californian Pioneers*, Vol 3, pp 108-110. http://content.cdlib.org/ark:/13030/kt258019f8/?docId=kt258019f8&order=4&brand, accessed 12 October 2014.

[17] Bob Swanston was closely associated with Ma`afu, the Tongan prince who became Fiji's first 'Tui Lau' (chieftain supreme of the Tongan dominated eastern and northern parts of the country), and the Bau Chief Cakobau who headed the first constitutional government. Bob Swanston was Minister for Native Affairs in the provisional Cakobau government and after ceding to Britain, worked in the colonial secretary's department. J Spurway, *Ma`afu, prince of Tonga, chief of Fiji,* (Canberra, 2015), pp 169, 244, 250-251, 256, 434 and 616 (portrait).

[18] The significance of this pioneering history is recognised by the homestead on Run 194 (built by subsequent owners) listed in the New Zealand Heritage Register, 'Waikaia Plains Station Homestead', Heritage Zealand, http://www.heritage.org.nz/the-list/details/3270, accessed 25 May 2015.

built ‘Koolomurt’ in the western district of Victoria into one of the finest merino studs in the country.[19] The two youngest daughters, Rebecca and May, both married in Victoria.[20]

What Swanston’s wife, Georgiana, did after her sad final withdrawal from Van Diemen’s Land in 1850 has not yet been discovered. It is possible that she lived with her eldest son in the mainland colonies. It is known she died in Middlesex, England, in 1867.[21]

Image 11: Georgiana Swanston, detail of portrait by unknown artist. Photo courtesy Janie Swanston.

Near Pune in Maharashtra, India, Swanston’s name is listed with the heroes on the Bhima Koregaon Victory Pillar, commemorating the 1818 battle of the Third Anglo-Maratha wars that gave Britain dominance over two-thirds of India and in which Swanston led the Auxiliary Horse and was second-in-command to Captain FF Staunton. The marble plaques on the pillar, erected by the East India Company, include the names of the fallen Mahar soldiers

[19] *Camperdown Chronicle*, 10 October 1883, p 2. Willis extended his care to Aboriginal people, especially to the last members of the Glenelg River group who looked on him as their protector, JA Hone, ‘Willis, Edward (1816–1895)’, *ADB*, Vol 6, (Melbourne, 1976), p 604.

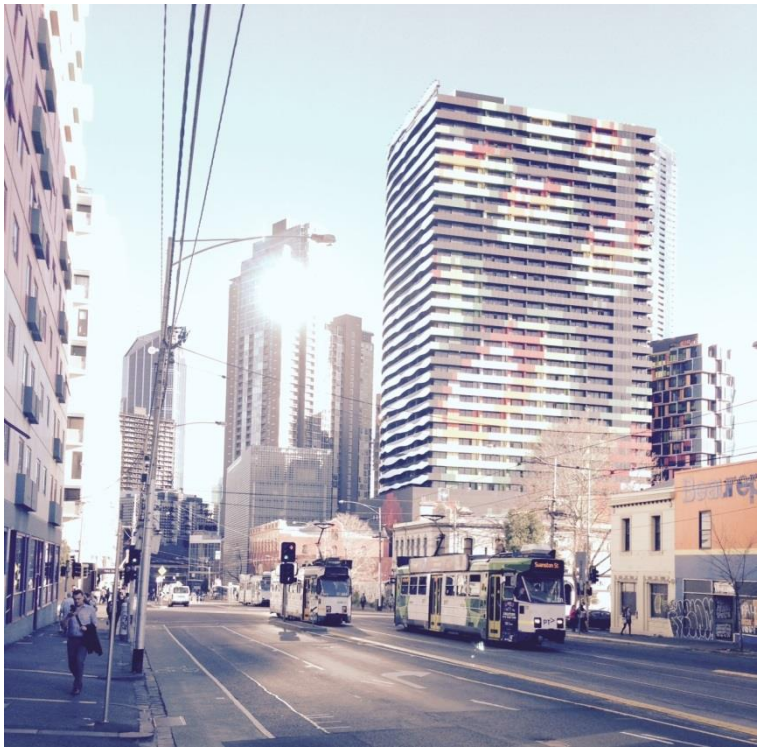
[20] Rebecca to George Ewbank of Allandale, Central Western Victoria, on 7 January 1857, *Courier,* 15 January 1857, p 2; Georgiana May to inspector of police NM O’Neil on 5 February 1861, *Argus,* 7 February 1861, p 4. Tasmanian connections continued among Swanston’s grandchildren, for example, grandson Swanston May McDowell, son of former Attorney-General Edward McDowell and Laura (nee Swanston), married Katharine, third daughter of WTN Champ, former Colonial Secretary and first Premier of Tasmania, *Argus*, 23 October 1868, p 4; *Launceston Examiner*, 27 October 1868, p 2.

[21] Transcription of Madras Military Fund, Families in British India, http://search.fibis.org/frontis/bin/aps_detail.php?id=222316, accessed 30 November 2015.

('untouchables'), recruited by Swanston for the small force that faced the Peshwa's 20,000-strong army. Indian historian Shraddha Kumbhojkar explains that the battle fought by the Mahars was not just a struggle between a colonial power and a native one, but a struggle of caste.[22] The Mahars had enlisted because they perceived military service would help open the doors to economic as well as social emancipation. Kumbhojkar says Koregaon has become an icon site for the former untouchables because it serves as a reminder of the bravery and strength shown by their ancestors – the very virtues the caste system claimed they lacked. Every New Year's Day the memorial is visited by thousands of pilgrims to remember the Mahar forefathers who brought down the unjust Peshwa rule.

No formal memorial to Swanston exits in Tasmania. Collective memory is an extraordinary thing. In one country Swanston's legacy is mythologised and he is a hero. In another, where he invested his all, his name is almost forgotten. There is a Swanston Street in the Hobart suburb of New Town, another in Geelong, Victoria, a country road near Little Swanport on Tasmania's east coast and a nearby locality called 'Swanston' where he had a 640-acre sheep property, managed at different times by his sons.[23] In Melbourne − the great metropolis Swanston helped found − bustling Swanston Street bears testimony to his prediction that it would become a great place, although his face and his story are barely known to the present population. Syd Butlin says that Swanston was one of the score or so of commercial adventurers who had *at least the illusion* of 'controlling and directing Australian economic expansion in the period during which the emergence of a capitalist economy was completed'.[24] It was not an illusion. Swanston was a vital cog in the rapidly-turning wheel of change. He was a man of the world who played out his life boldly in exotic and far-flung regions of the nineteenth century British Empire. What he contributed to Van Diemen's Land and beyond was a sense of the possible, the courage to take risks and being what he and Anstey considered 'true to our just cause'.[25]

[22] S Kumbhojkar, 'Contesting Power, Contesting Memories: The History of the Koregaon Memorial', *Economic and Political Weekly*, Vol XLV11 No 42, 20 October 2012, pp 103-107.
[23] *Colonial Times,* 21 April 1840, p 2; JS Weeding, *A History of the Lower Midlands*, 3rd Edition, (Launceston, 1980), pp 118-124.
[24] SJ Butlin, 'Charles Swanston and the Derwent Bank, 1827−1850', *Historical Studies: Australia and New Zealand*, Vol 2, No 7, 1943, p 183.
[25] Anstey to Swanston, 9 June 1847, Box 24/10, *Derwent Bank Papers*, TAHO.



Images 12 & 13: *Above* Melbourne's main thoroughfare, Swanston Street. *Below* The city's best known intersection, the corner of Swanston and Flinders Streets, 2016. Photos Charles Robin

APPENDIX 1: CAPABILITIES OF PORT PHILLIP[1]

I have the pleasure to inform you that we have arrived in safety and that everything is proceeding well and pleasantly. The *Norval* left George Town at noon of Thursday the 5th instant with a rather unfavourable wind but fine weather. We cleared the Hebe Reef at Sunset and sighted land on this side of the straits at 2am Saturday morning by moonlight. We hove to till daylight when we stood into the Port and came to anchor within Port Nepean at 10 am.

The Captain spent the day in sounding for a channel and Mr Batman and myself and others boated off the Station at "Indented Head". We here found everything right. We just got under weigh early on the morning of the 8th and ran eastwards thro' the channel marked on Cross' map to the southward of the "Extensive Shoals" that fill the centre of the Bay. When a mile and a half from the shore off "Arthur's Seat" we stood at the northward and had deep water up to the mouth of the estuary at the south end. Mr Batman proceeded to the settlement on the morning of the 9th and the *Mary Ann* cutter came down and piloted us for a few miles further up the Estuary where we made our final anchorage in 4 fathoms of water.

The sheep were all landed in the afternoon on the Eastern branch of the Estuary, southward of the Freshwater River, and the whole of the cattle (but one sick beast) were landed by Mr Faulkner's schooner the *Enterprise* during the days of the 10th and 11th on the Western Bank of the Estuary, the eastern bank being too soft for their landing on it, altho' the more desirable as being much nearer to the settlement. The whole of the Goods were landed by the evening of the 13th by the *Mary Ann* and *Enterprise,* some delay occurring from the ignorance of the depth of water and at all turns of the tide on a bar…

In accordance with your wish, I give you my opinion of the capabilities of the place. The Heads are rather dangerous of entry (the passage being rocky) and cannot be approached with safety after dark. The channel by which we ran into the deep water from the Heads to Arthur's Seat (the only channel at present we know) tho' deep enough is narrow and would be dangerous of passage for a large vessel weight in fine weather. Upon rounding the shoals and running northward the channel is of ample breath to from 7 to 13 fathoms deep. The bar is a great defect in the harbour, above it, and up to the settlement itself, there is ample depth of water for a large vessel and that too within a few feet of the bank alongside which the *Enterprise* and *Mary Ann* lay and unloaded.

The soil as far as I have traversed it, is excellent, and the herbage most luxuriant in every direction down to the very Heads. The hills are clothed in verdure to their very summits. I

[1]Excerpts from a letter from BJ Fergusson to Swanston, 14 November 1835, Box 32/7, *Derwent Bank Papers,* Tasmanian Archive and Heritage Office. Spelling, punctuation and emphasis are Fergusson's. Fergusson, a friend of George McKillop's and Thomas Learmonth's, was appointed by Swanston in August 1835 to take charge of Swanston's establishment at Port Phillip for six years. Previously he had been managing sheep in New South Wales. Fergusson resigned from the position in April 1836.

never saw anything in NS Wales to equal this pasture in richness and abundance, and am […?] confirmed in my anticipation of a most abundant increase and in improvement in the Stock. The much lauded "Monaroo Plains" are inferior in the comparison with this luxuriant soil. I have not as yet had time to visit the interior, but have taken trouble to collect information on the subject and hear that what I have already seen of the sea coast is barrenness itself in the comparison.

Mr Batman wished me to settle on the Exe river and proposed that I should take the *East* side of that river, while my namesake (Mr Solomon's manager) should settle on the *West,* but the distance from Mr Batman's station in that case would be only 17 miles which would be reduced to less than 10 between the limits of the 2 station. This would be by far too little room between two large establishments as both will soon be, and besides in such a position (on the East side) I should be completely hemmed in by the seacoast on one side and Mr Gellibrand's Station (that Mr Batman is about to form) on the other (i.e.: to the northward). I have on these accounts chosen the Western side of the Exe and Mr B has approved of my doing so. There the establishment will be completely separate and there will be little or no chance of any idle communications taking place between our Servants and those of others, there will be no chance either of the Sheep (when once rid of Scab) being again infected by neighbours, and this last is in my opinion a consideration of very great weight.

Mr Batman has never seen the Exe and depends entirely on Mr Wedge's account of it, which is most favourable. I shall of course examine the country on its banks before removing the establishment in that direction and for that purpose intend starting in a day or two with 3 of the servants and some of Mr Batman's blacks armed and provisioned leaving the remaining servants in the Tents at Headquarters in charge of the Stores on which Mr Henry Batman and Dr Cotter will keep an eye. The carpenters can in my absence be erecting the hurdles. Cows and the bullocks will be picking up flesh and strength for the journey. The Natives (or as many as we have yet seen) are very quiet and timid and though unfortunate are easily kept at distance, I anticipate but little annoyance from them. I received the Tent by the *Adelaide* and find it very serviceable. The Pistols that Mr Learmonth was kind enough to send me are too small for general use, and I have thought it well to purchase a pair of the Ships' Pistols from Captain Coultish.

The Bullock "Blucher" became very sickly on the passage and in spite of every attention given under the direction of Mr Ferguson (the Vet Ferguson) is still very poorly. The others are doing well. Three of the Cows have calved and with their calves are doing well. It is proposed by Mr Batman to land the *Adelaide*'s Sheep at *Geelong Harbour*, that they may be nearer to the station on the Exe, but this has not been definitely determined.

The man of Mr Mudie's (Wilson) is a very excellent servant and will be very valuable. I find that Mr Mudie had promised him £26 a year and on speaking to him on the subject I found that he expected that sum. I have given it to him and think him the cheapest servant even at that price. Parton, [George] Goodman and [Nathaniel] Goslyne are doing very well. [William] Gunskin and Moren are doing neither well nor ill but I have not as yet given either a fair trial. Freestrim [sp?] is not as steady as I thought he would be but he is obedient.[2] I

[2] First names are not given for some of the shepherds and a variety of spellings are found for their surnames.

purchased another Kangaroo Dog at George Town for £2, a very fine one, and for that and sundry other expenses which I will particularise at the proper time…

APPENDIX 2: THE SHEPHERDS' LETTER[1]

Port Phillip 25th Feb 1836

We beg leave most respectfully to inform you that we arrived here on Friday last with some of the sheep 79 in number of those landed at Western Port. We have the Melancholy information to convey to you the death of Mr Mudie which happened on Sunday week last by the upsetting of the long boat belonging to the *Norval* by which two seamen and Mr Mudie perished. The fourth viz Mr Toms swam to an island in western Port about half a mile from where the Boat upset, and remained naked there the whole night until rescued by the boat belonging to the *Enterprise* which vessel Mr Mudie was going to when the accident happened to make arrangements for sending the sheep and other articles to Port Phillip. After the boat upset the whole of the men sat upon the bottom about 20 minutes and no doubt the whole of them would have been saved had not the grapple got out of the Boat and fastened to the bottom and the waves dashing over them washed Mr Mudie and the others off and Toms being a good swimmer got safe to Land. Mr Mudie during the time he was on the Boat cried very much and said he had never injured or hurt any person, and prayed that God would forgive him his sins.

The Voyage altogether has been a most unfortunate one from the first sailing of the Ship from George Town for after getting out to sea we were four days in a Gale of Wind and before we got into Western Port had been beating about 9 or 10 days in consequence of which numbers of the sheep died on Board for in the first place the pen was too large, and some of them had 50 or 60 sheep in. And in the next the pens were broke down and destroyed before the sheep were put on board.

The vessel altogether was not in a fit state to receive sheep but it appeared no one in authority took notice of it and if we had left George Town on Saturday which we owt [ought] to have done instead of the day following (Sunday) we should have had a fair wind the whole voyage. This can be proved by a vessel that left George Town on the Saturday belonging to Mr Griffiths of Launceston and which reached Western Port on the Tuesday

[1] J Robinson, James Newman, C Bradbury to Swanston, 25 Feb 1836, Box 32/15, *Derwent Bank Papers*, Tasmanian Archive and Heritage Office. Soon after writing their letter the overseer, BJ Fergusson, dismissed Newman, Bradbury and Robinson 'for bad behaviour', Fergusson to Swanston, 26 February 1836, Box 32/7 Derwent Banks Papers, TAHO.

following. This delay the captain of the *Norval* attributed to the neglect of the pilot – all was ready and the sheep on board on the Thursday previous. We had business in Western Port for we can prove that the Mate of the *Norval* said when we was in Western Port that we might as well have been in Port Phillip … and that when the Captain ordered the vessel to be put into Western Port there was a fair wind for Port Phillip.

The first person who proposed to the Captain to put into Western Port was Mr Gardiner who by threats induced Mr Mudie to comply and after some consultation amongst the gentlemen passengers, Western Port was decided upon.

1st because Mr Gardiner had a great desire to look at the land and also a fresh water river at Western Port. He afterwards stated that was not on account of the sheep being benefited by being put on shore, but merely to satisfy himself as to the situation, quality of the land, and its being watered so that it appeared that it was not done to act as a friendly part towards Captain Swanston.–

2nd Western Port suited the Captain of the *Norval* for if he had gone to Port Phillip with the sheep he must have returned to Western Port to take in about 200 tons of bark

3rd it suited Mr Toms who was acting pilot to take the vessel to Western Port and was appointed by Mr Griffiths to see the bark weighed and

4th It suited everyone on board to land at Western Port, in consequences of which Captain Swanston's property was lost and destroyed through nothing but the bad management and acting under the orders of those persons who had nothing whatever to do with the Sheep.

After Mr Mudie's death the captain of the *Norval* would not lend any assistance by allowing any of his boats to take what few sheep we had collected on board the *Enterprise* and Mr Toms who had the working of the boats told the seamen of the *Enterprise* that there was a Whale Boat which would carry as many sheep as a white boat which belonged to the *Norval* and was as safe and wished the men to take that boat and no other. After getting 35 sheep into it on the way to the *Enterprise* the boat swamped and the 7 men to have their lives was compelled to throw 16 sheep overboard all of which were drowned.

The Captain of the *Enterprise* went alongside the *Norval* for our things and of six sacks of flour put on board at G Town we received one Sack and a small quantity of another. It appeared that all on board the *Norval* had access to the tea, soap, and everything else. We have been here two days and have sent for Mr Fergusson who has not yet arrived. The

Adelaide is just going to sail and time does not permit us to write more particulars, which it would be proper for you to be acquainted with. There is a great number of sheep left at Western Port and some steps owt to be taken for them to be got away with our provisions getting short and the Captain of the *Norval* wishing us to come to Port Phillip we came in the *Enterprise*. We think it impossible that poor people could have been harassed more than your humble servants. SIGNED J Robinson, James Newman, C Bradbury

Written in Swanston's hand on the outside of the letter: 'The Shepherds Letter, Port Phillip 25 Feb^{y} 1836, Stating they had returned with 79 Sheep Stating also that the Mate of the *Norval* said that when the Master bore away for Western port the wind was fair for Port Phillip'.

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Janie Swanston, Thames, New Zealand, 17 May 2015 and 15-21 June 2016.

PLACES VISITED

Charles Swanston's home, 'New Town Park', New Town, Hobart.

Warehouses Salamanca Place, 'Narryna' and historic Hobart waterfront.

Obelisk Memorial to Captain Matthew Forster, St John's Park, New Town.

Tasmanian Club (Derwent Bank 1846–49), Macquarie Street, Hobart.

Swanston Street, Melbourne.

Swanston Road, originally a track running via Charles Swanston's grazing property 'Swanston', (Postcode 7120) between the Midlands and Little Swanport, Tasmania.

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